

No. 999 of 1963.

Civil Registration Act 1963.

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.



No. of 1963.

Civil Registration Act 1963.

ARRANGEMENT OF SECTIONS.

PART I – PRELIMINARY.

1. Interpretation.
 - “authorized celebrant”
 - “birth”
 - “burial”
 - “collecting agent”
 - “compulsory registration area”
 - “informant”
 - “occupier”
 - “prescribed particulars”
 - “prescribed premises”
 - “register”
 - “the Registrar”
 - “Registration Officer”
 - “the repealed legislation”
 - “still-birth”
2. Operation.

PART II – ADMINISTRATION.

3. Appointment of Registrar, etc.
4. Seal and signature of Registrar.
5. Registers and indexes.
6. Registration office rules.
7. Powers of Registrar.
8. Delegation.
9. Appeal.
10. Registration offices.
11. Registration Officers.

PART III – REGISTRATION GENERALLY.

Division 1 – Compulsory Registration Areas.

12. Establishment of compulsory registration areas and prescribed premises.

Division 2 – Prescribed Particulars for Registration.

13. Registrar to procure information of births, deaths and marriages.
14. Collecting agents.
15. Giving of prescribed particulars.
16. Registrar not required to verify prescribed particulars.
17. Persons required to give prescribed particulars of births and deaths.
18. Registration where exact date of birth, death or name of child unknown.

Division 3 – Searches and Copies of Registers.

19. Interpretation of Division 3.
20. Official copies or extracts of entries in registers.
21. Application for search or official copy.
22. Evidence.

PART IV – REGISTRATION OF BIRTHS.

23. Interpretation of Part IV.
 “birth”
 “parent”
24. Occupiers of prescribed premises to make return of births.
25. Births required to be registered.
26. Registration of births.
27. Delayed registration.
28. Registration of birth and status of illegitimate child.
29. Surname of child.
30. Medical practitioner to give certificate of still-birth.
31. Registrar to keep still-births in separate register.

PART V – REGISTRATION OF DEATHS.

32. Application of Part V.
33. Occupiers of prescribed premises and others to make return of deaths.
34. Deaths required to be registered.
35. Registration of deaths.
36. Certificate as to cause of death.
37. Registrar may register particulars of certain persons presumed dead.

PART VI – REGISTRATION OF MARRIAGES.

38. Interpretation of Part VI.
39. Application to customary marriages.
40. Marriages required to be registered.
41. Where official certificate not received.
42. Certain marriages not to be registered without consent.
43. Notice of dissolution or annulment of marriage.

PART VII – LEGITIMATION.

Division 1 – Preliminary.

44. Interpretation of Part VII.
 “information of legitimation”
 “legitimacy order”
 “legitimated child”

- “official record”
45. Information of legitimation to be given to registering authority.
 46. Legitimacy orders.
 47. Documents to be produced to registering authority.

Division 2 – Registration of Legitimations.

48. Births of legitimated children to be re-registered.
49. Registration of legitimations in the Register of Foreign Legitimations.
50. Register of Foreign Legitimations.

PART VIII – REGISTRATION OF ADOPTIONS.

51. Register of adopted children.
52. Register of customary adoptions.
53. Original entry of birth to be made.
54. Births of adopted children to be re-registered.
55. Notation of adoption to be made.

PART IX – MISCELLANEOUS.

56. Registrar may make copies of dilapidated registers.
57. Performance of official duties by Registrar and other persons.
58. Procedure in hearings by Magistrates.
59. Offences and penalties.
60. Non-statutory registers may be taken into statutory custody.
61. Regulations.

SCHEDULE 1 – Persons required to give prescribed particulars.

INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

Civil Registration Act 1963,

Being an Act to provide for the registration of births, deaths, marriages, legitimations and adoptions, and for other purposes.

PART I. – PRELIMINARY.

1. INTERPRETATION.

(1) In this Act, unless the contrary intention appears—

“authorized celebrant” means a registered celebrant within the meaning of the *Marriage Act 1963*;

“birth” means—

- (a) the complete expulsion or extraction of the child from its mother after the twentieth week of pregnancy; or
- (b) where the duration of the pregnancy is not reliably ascertainable, the expulsion or extraction of a child weighing not less than 400g who, after the separation, breathes or shows any other evidence of life including beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached;

“burial” includes cremation;

“collecting agent” means a collecting agent appointed under Section 14;

“compulsory registration area” means an area in respect of which a notice has been published under Section 12(1);

“informant” means a person who gives or who is required to give prescribed particulars, and, in relation to a marriage, includes an authorized celebrant;

“occupier”, in relation to prescribed premises, includes—

- (a) the owner, lessee, manager or other person in occupation of the premises; and
- (b) the secretary, matron, superintendent or principal officer of a hospital, mental hospital or public or charitable institution, officer-in-charge of a lock-up or correctional institution, and a deputy of any such person; and
- (c) the master, purser and agent of a vessel, and the chief officer, purser and agent of an aircraft; and
- (d) a person designated by the Minister, by notice in the National Gazette, as the occupier for the purposes of this Act;

“prescribed particulars” means, in relation to the registration of a birth, death, marriage or adoption, the particulars in the relevant prescribed form, and includes an information of legitimation of a legitimated child;

“prescribed premises” means—

- (a) premises (including the land on which premises are situated) in respect of which a notice has been published under Section 12(1); or
- (b) a vessel during its voyage to a port, or between ports, in the country, and an aircraft during its flight to a port, or between ports, in the country;

“register” includes—

- (a) a register kept under the *Lost Registers Act 1950* by the Registrar-General; and
- (b) the register of war deaths kept under the *War Deaths Registration Act 1951*; and
- (c) the register kept under Division V.1 of the *Marriage Act 1963*;

“the Registrar” means the Registrar-General appointed under Section 3, and includes an Acting Registrar-General and a Deputy Registrar-General so appointed;

“Registration Officer” means a Registration Officer appointed under Section 11, and includes the Registrar and an Assistant Registration Officer so appointed;

“the repealed legislation” means the Act specified in the First Schedule to the pre-Independence *Civil Registration Act 1963* and, in relation to marriages, includes the Acts specified in the First Schedule to the pre-Independence *Marriage Act 1963*;

“still-birth” means the expulsion or extraction from its mother, after the twentieth week of pregnancy, of a child, who after the separation does not breathe or show any other evidence of life, and where the duration

of pregnancy is not reliably ascertainable includes the separation of a foetus weighing not less than 400g.

(2) A provision of this Act under which the Registrar is authorized—

- (a) to register a birth or a death; or
- (b) to re-register the birth of a legitimated or an adopted child; or
- (c) to correct an error in an application, information form, official copy of an entry or entry in a register; or
- (d) to cancel an entry in a register; or
- (e) to alter, substitute or add a name in an entry in a register; or
- (f) to make a notation in an entry in a register,

shall be deemed to include provision for the Registrar to authorize a Registration Officer to do that act.

2. OPERATION.

This Act does not affect the operation of the *Coroners Act 1953*, the *Adoption of Children Act 1968* or the *Marriage Act 1963*.

PART II. – ADMINISTRATION.

3. APPOINTMENT OF REGISTRAR, ETC.

(1) For the purposes of this Act, the Minister may appoint–

- (a) a Registrar-General; and
- (b) such Deputy Registrars-General and other officers as the Minister thinks necessary.

(2) Subject to the directions of the Registrar-General, a Deputy Registrar-General may exercise a power or perform a function of the Registrar under this or any other Act.

4. SEAL AND SIGNATURE OF REGISTRAR.

(1) The Registrar shall use as the seal of his office a seal in such form as the Minister, by notice in the National Gazette, determines.

(2) All courts, Judges and persons acting judicially shall take judicial notice of–

- (a) the signature of a person who holds or has held an office of Registrar; and
- (b) the fact that that person holds or has held that office; and
- (c) the seal of the Registrar.

5. REGISTERS AND INDEXES.

(1) In accordance with and for the purposes of this Act, the Registrar shall keep and maintain–

- (a) registers of births; and
- (b) registers of deaths; and
- (c) registers of marriages; and
- (d) registers of adopted children; and
- (e) such other registers as are prescribed; and
- (f) indexes to the entries in the registers.

(2) A register kept under this Act and any other register in the statutory custody of the Registrar is for all purposes evidence of the facts entered in it, and that those facts and the events or persons entered in the register are duly registered.

6. REGISTRATION OFFICE RULES.

The Registrar may make rules–

- (a) for regulating and prescribing the practice and procedure to be followed by Registration Officers and collecting agents in the performance of their duties under this Act; and
- (b) for regulating and prescribing all matters incidental to or relating to any such practice or procedure; and
- (c) that are necessary or convenient to be prescribed for the conduct of registration offices or the performance of duties of the Registration Officers or collecting agents.

7. POWERS OF REGISTRAR.

(1) The Registrar may—

- (a) make such inquiries as he thinks proper to inform himself correctly on any matter registered or entered, or required to be registered or entered, in a register; and
- (b) correct an error or omission in—
 - (i) an application; or
 - (ii) an information form; or
 - (iii) a certificate of marriage prepared by an authorized celebrant; or
 - (iv) an official copy of an entry; or
 - (v) an entry in a register,

on production of such evidence of the error and the correct particulars as he thinks sufficient; and

- (c) cancel an entry in a register that is proved to his satisfaction to be false or to have been illegally made; and
- (d) alter, substitute or add a name in an entry in a register, on application and production of such evidence as he thinks sufficient of the lawful alteration or adoption of the name.

(2) An alteration, correction, cancellation or addition to a certificate of marriage, official copy of an entry or entry in a register shall be made by a marginal note attested by the signature of the Registrar and bearing the date on which he affixes his signature.

(3) For the purposes of exercising his powers under Subsection (1)(b) in relation to a certificate of marriage or an official copy, the Registrar may, by written notice to the person having the certificate or official copy in his possession, require that person to produce or forward the certificate or official copy to him within a period (not less than 14 days after the date of service of the notice) specified in the notice.

(4) The Registrar is not required to grant an application made under Subsection (1)(d) or to register a name given to a child where in his opinion the name is given or adopted capriciously or is a name that is obscene or indecent.

(5) The Registrar may exercise a power conferred, or perform a duty imposed, on him by this Act on a Sunday or public holiday, or at a time when his office is not open to the public, if in his opinion it is necessary or desirable to exercise that power or perform that duty on that day or at that time.

8. DELEGATION.

The Registrar-General may, by instrument under his hand, delegate to a person all or any of his powers and functions under this Act (except this power of delegation).

9. APPEAL.

A person aggrieved by a decision of the Registrar, or of a delegate of, or a person acting under the authority of or by direction of, the Registrar, under this Act may appeal to—

- (a) the Minister; or
- (b) where the decision is made subject to the consent of the Minister—the Head of State, acting on advice,

whose decision is final.

10. REGISTRATION OFFICES.

(1) For the purposes of this Act, the Minister may, by notice in the National Gazette, establish such registration offices as he thinks necessary or desirable, and may close such an office at any time.

(2) A record or register of or relating to births or deaths made or kept in a registration office under this Act is the property of the State, and every Registration Officer or person having such a record or register in his control shall, if directed by the Registrar, deliver it to the Registrar.

11. REGISTRATION OFFICERS.

(1) The Registrar shall appoint such Registration Officers and Assistant Registration Officers as he thinks necessary or desirable and, with the written consent of the Minister, may remove a Registration Officer or Assistant Registration Officer from office.

(2) Subject to the general direction and control of the Registrar, a Registration Officer shall register births and deaths and re-register the births of legitimated and adopted children in accordance with this Act and the registration office rules made by the Registrar under Section 6.

(3) Subject to the terms of his appointment, a Registration Officer may act as Registration Officer in respect of—

- (a) part of a compulsory registration area; or

- (b) one or more compulsory registration areas; or
- (c) any prescribed premises.

PART III. – REGISTRATION GENERALLY.***Division 1.******Compulsory Registration Areas.*****12. ESTABLISHMENT OF COMPULSORY REGISTRATION AREAS AND PRESCRIBED PREMISES.**

(1) The Minister may, by notice in the National Gazette, declare that the provisions of this Act relating to the compulsory registration of births and deaths extend to births and deaths occurring within such areas of, or such premises in, the country as he thinks desirable.

(2) A declaration under Subsection (1) may–

- (a) apply generally, or with such modifications as are specified, to an area established as a compulsory registration area; or
- (b) specify premises by name or by reference to a kind or class of premises; or
- (c) for the purposes of applying the provisions of this Act relating to prescribed premises, establish premises as prescribed premises notwithstanding that the premises are situated within a compulsory registration area.

(3) This section does not–

- (a) require the compulsory registration of a birth or death in a compulsory registration area or in prescribed premises that occurred before the date of publication of the notice under Subsection (1) relating to that area or premises; or
- (b) prevent the registration of a birth under Section 26 or the registration of a death under Section 35.

Division 2.***Prescribed Particulars for Registration.*****13. REGISTRAR TO PROCURE INFORMATION OF BIRTHS, DEATHS AND MARRIAGES.**

In respect of every birth, death or marriage occurring within the country that is required by this Act to be registered, it is the duty of the Registrar–

- (a) to procure information of the birth, death or marriage and ascertain the prescribed particulars; and
- (b) to register in a register of–
 - (i) births; or
 - (ii) deaths; or

- (iii) marriages,

as the case requires, the prescribed particulars or such of the prescribed particulars as he is reasonably able to ascertain.

14. COLLECTING AGENTS.

(1) Subject to such conditions as are determined by the Minister, the Registrar may appoint, and may remove at any time, collecting agents.

(2) A collecting agent shall obtain and receive the prescribed particulars of births and deaths and forward the information to the Registrar or a Registration Officer.

15. GIVING OF PRESCRIBED PARTICULARS.

(1) An informant (other than an authorized celebrant in relation to a marriage) shall, at the time of giving prescribed particulars—

- (a) sign or acknowledge his name, description and address on—
 - (i) the information form (if any) supplied for the purpose of giving in writing prescribed particulars; or
 - (ii) the register entry; and
- (b) declare the particulars given to be correct for the purpose of registration.

(2) Prescribed particulars shall be given without payment of a fee or receipt of a reward.

(3) Where any prescribed particulars are unknown to an informant or in case of default by an informant, the Registrar may, in writing, require any person whom he believes to be acquainted with the facts to give the particulars in a form and within the time specified in the requirement.

(4) The Registrar or a Registration Officer may ask an informant for any of the prescribed particulars required by this Act to be registered.

(5) The Registrar, a Registration Officer or a collecting agent may take any statutory declaration required for the purposes of this Act.

(6) Where an informant is required by this Act to give prescribed particulars, he shall give such of the particulars—

- (a) as are known to him, or as may be accurately ascertained by him by making reasonable inquiries; and
- (b) as are applicable in the circumstances of the particular registration or application.

16. REGISTRAR NOT REQUIRED TO VERIFY PRESCRIBED PARTICULARS.

This Act does not require the Registrar to verify the accuracy of any prescribed particulars given to him by an informant where he has no reason to believe that the particulars are not correct.

17. PERSONS REQUIRED TO GIVE PRESCRIBED PARTICULARS OF BIRTHS AND DEATHS.

(1) The prescribed particulars of a birth or death required by this Act to be registered shall be given to the Registrar by the persons specified for the purpose in the Schedule.

(2) The giving of the prescribed particulars by one of the persons referred to in Subsection (1) is a discharge of the duty imposed by this section on every other person in relation to the event specified in the prescribed particulars so given.

(3) This section does not prevent the Registrar from registering a birth or death on the information of any person acquainted with the facts where, in the opinion of the Registrar, it is desirable or expedient to do so.

(4) An informant of a birth or death shall—

- (a) deliver the prescribed particulars in the official form to the Registrar, a Registration Officer or a collecting agent; or
- (b) send the prescribed particulars in the official form in a prepaid letter addressed to the Registrar or a Registration Officer; or
- (c) when authorized by the Registrar—give the prescribed particulars orally to the Registrar, a Registration Officer or a collecting agent.

18. REGISTRATION WHERE EXACT DATE OF BIRTH, DEATH OR NAME OF CHILD UNKNOWN.

(1) Where an informant does not know and the Registrar is unable to establish—

- (a) the exact date of a birth or death (other than a death that is the subject of an inquest under the *Coroners Act 1953*); and
- (b) the Registrar is satisfied that the informant or any other person knows, or he is otherwise able to establish, the approximate date of the birth or death,

the Registrar may direct that that approximate date be fixed as the actual date of the birth or death.

(2) Subject to Section 7, a date of birth or death that is fixed by the Registrar under this section shall for all purposes be regarded as, and shall be registered as, the actual date of birth or death, as the case may be.

(3) Where a name of a child is unknown to an informant or to the Registrar, the name of the child for the purposes of this Act is any name that the Registrar gives to the child.

Division 3.

Searches and Copies of Registers.

19. INTERPRETATION OF DIVISION 3.

In this Division, “official copy” means a certified copy of an entry, a certificate of an entry or an extract of an entry in a register in the statutory custody of the Registrar or a Registration Officer, the issue of which is authorized by, and that is issued in accordance with, this Division.

20. OFFICIAL COPIES OR EXTRACTS OF ENTRIES IN REGISTERS.

(1) Subject to this Division, the Registrar may issue—

- (a) a certified copy of an entry in a register in his custody; and
- (b) a certificate or extract of an entry in a register in his custody other than—
 - (i) an entry in a register of adopted children; or
 - (ii) an original entry of birth that has been re-registered under Part VII or VIII; or
 - (iii) an entry of marriage that bears a notation of dissolution or annulment in accordance with Section 43.

(2) The Registrar shall make a certification in the prescribed form and affix his signature and seal of office on every official copy.

(3) A certificate or extract issued under this Division—

- (a) shall be in the prescribed form; and
- (b) shall not include any notation or cancelled particular appearing in an entry; and
- (c) where the entry includes a notation, alteration or addition—shall show the registered particulars as they would appear if the substance of the notation, the particulars as altered or the added particulars had formed part of the particulars originally entered in the register.

21. APPLICATION FOR SEARCH OR OFFICIAL COPY.

(1) A person may apply to the Registrar—

- (a) to have a search made of an index or register in the custody of the Registrar; or
- (b) to have an official copy of an entry in any such register issued to him.

(2) An application under Subsection (1) shall—

- (a) specify the particular entry that the applicant desires the Registrar to search, or an official copy of which he desires to be issued, and the reason for which the search or official copy is required; and
- (b) where directed by the Registrar, be made in writing.

(3) On compliance with Subsection (2) and payment of the prescribed fee, the Registrar shall, subject to this section, grant the application and make the search or issue the official copy, as the case requires.

(4) The Registrar is not required to grant an application under this section where, in his opinion, the applicant has not shown that he has a sufficient or proper reason for the search to be made or the official copy to be issued to him.

(5) Where the Registrar is of the opinion that a certificate or extract of an entry would constitute sufficient evidence of the particular facts properly required by an applicant (whether or not the entry is an entry in the register in relation to which the application was made), he may grant the application as an application for the issue of a certificate or extract, as the case requires, of the first-mentioned entry.

(6) The Registrar shall not issue a certified copy of an entry in a register of births or a register of adopted children without the written consent of the Minister unless the applicant satisfies the Registrar that—

- (a) the copy is necessary for obtaining—
 - (i) registration of the legitimation of a child; or
 - (ii) probate of a will or the administration of the estate of a deceased person; or
 - (iii) distribution of the estate of a deceased person; or
- (b) the certified copy is to issue to the person whose birth or adoption is registered in the entry.

22. EVIDENCE.

An official copy is for all purposes evidence of the facts stated in it and that the facts are duly registered in the register to which it relates.

PART IV. – REGISTRATION OF BIRTHS.

23. INTERPRETATION OF PART IV.

(1) In this Part, unless the contrary intention appears—

“**birth**” includes the still-birth of a child that occurred not more than two years before the production of the prescribed particulars of the still-birth;

“**parent**”, in relation to a legitimate child, means the father or mother of the child, and, in relation to an illegitimate child, means the mother of the child.

(2) Where a child is not born in prescribed premises but is admitted to prescribed premises apparently within seven days after its birth, this Part applies as if the child had been born in those premises.

24. OCCUPIERS OF PRESCRIBED PREMISES TO MAKE RETURN OF BIRTHS.

The occupier of prescribed premises, other than a vessel or aircraft, shall, once in every month, make and forward to the Registrar in the prescribed form a return of all births that have occurred on the premises since the making of the previous return, or in the case of a first return a return of all births that have occurred since the premises were established as prescribed premises.

25. BIRTHS REQUIRED TO BE REGISTERED.

(1) A person referred to in Section 17 shall give to the Registrar, and subject to Sections 27 and 31 the Registrar shall register, the prescribed particulars of the birth of a child that is born in a compulsory registration area or on prescribed premises on or after the date of publication of the notice under Section 12(1) relating to that area or those premises.

(2) A parent of a child shall comply with this section within three months after the date of birth of the child, or within such time before the expiration of three months from the date of birth of the child as the Registrar in writing requires.

(3) A person referred to in Section 17, other than a parent, shall comply with this section within such time as the Registrar in writing requires.

26. REGISTRATION OF BIRTHS.

Subject to Section 27, the Registrar may, in his discretion and notwithstanding Section 25, register the birth of—

- (a) a child born at any time and at any place in the country; or
- (b) a child born outside the country if—

- (i) the birth is not registered under a law of a State or Territory of Australia; and
- (ii) the child is residing in the country with a parent or, in the case of a child that is dead, the child was so residing at the time of its death; and
- (iii) the child had not attained the age of two years when it commenced to reside in the country.

27. DELAYED REGISTRATION.

The Registrar may direct an informant of the birth of a child that occurred more than one year before the production of the prescribed particulars to apply to a Magistrate of a District Court for his consent to the registration of the birth.

28. REGISTRATION OF BIRTH AND STATUS OF ILLEGITIMATE CHILD.

The particulars of the father of an illegitimate child shall not be shown in the form prescribed for registering particulars of birth or entered in a register of births unless—

- (a) the mother gives the prescribed particulars—
 - (i) of the birth of the child; and
 - (ii) of the father;
 - and the father also—
 - (iii) gives those particulars; or
 - (iv) acknowledges or has acknowledged, in writing, that he is the father of the child; or
- (b) the Registrar is satisfied that the mother is dead or is otherwise incapable of giving the prescribed particulars, and—
 - (i) the father gives the prescribed particulars of the birth of the child, including his own particulars; or
 - (ii) any person who satisfies the Registrar that he is acquainted with the facts gives the prescribed particulars and the father acknowledges or has acknowledged, in writing, that he is the father of the child; or
- (c) a Magistrate of a District Court, on application, gives his consent to particulars of the father being entered in a register of births.

29. SURNAME OF CHILD.

On registration of his birth, the surname of a child is—

- (a) the surname of his father where—

- (i) he is born the legitimate child of his parents; or
 - (ii) he is deemed by virtue of Section 54 of the *Marriage Act 1963* to be the legitimate child of his parents as from his birth; or
 - (iii) registration of the birth is effected under Division VII.2; or
 - (iv) the particulars of his father are entered in a register of births under Section 28; or
- (b) in any other case—the surname of the mother.

30. MEDICAL PRACTITIONER TO GIVE CERTIFICATE OF STILL-BIRTH.

A medical practitioner who attends at the still-birth of a child, or has viewed the body of a child who was still-born without the attendance of a medical practitioner, shall give to the Registrar a medical certificate of still-birth in the prescribed form.

31. REGISTRAR TO KEEP STILL-BIRTHS IN SEPARATE REGISTER.

(1) The Registrar shall register the particulars of the still-birth of a child in a separate register of births.

(2) A volume of a register made and kept under this section may be destroyed or otherwise disposed of by the Registrar at the expiration of 10 years from the date on which the last entry is made in the volume and with the written consent of the Minister.

PART V. – REGISTRATION OF DEATHS.**32. APPLICATION OF PART V.**

(1) Where a person does not die in prescribed premises but his body is taken into prescribed premises after death and before burial, this Part applies as if the person had died in those premises.

(2) This Part does not authorize the Registrar to enter in a register of deaths kept under this Act the particulars of a person to whom the *War Deaths Registration Act 1951* applies.

33. OCCUPIERS OF PRESCRIBED PREMISES AND OTHERS TO MAKE RETURN OF DEATHS.

The occupier of prescribed premises, other than a vessel or aircraft, shall, once in every month, make and forward to the Registrar in the prescribed form a return of all deaths that have occurred on the premises since the making of the previous return, or in the case of a first return a return of all deaths that have occurred since the premises were established as prescribed premises.

34. DEATHS REQUIRED TO BE REGISTERED.

(1) A person referred to in Section 17 shall give to the Registrar, and subject to Section 36 the Registrar shall register, the prescribed particulars of the death of a person—

- (a) whose death occurs in a compulsory registration area or on prescribed premises on or after the date of publication of the notice under Section 12(1) relating to that area or those premises; or
- (b) the cause of whose death is certified by a medical practitioner; or
- (c) whose death is the subject of a notice of death or certificate by a Coroner; or
- (d) whose body is buried in a cemetery under the *Cemeteries Act 1955*; or
- (e) whose body is removed to a school of anatomy under the *Anatomy Act 1961*; or
- (f) whose body is removed from the country.

(2) A relative (including a relative by marriage) of a person referred to in Subsection (1)(a)-(f), who has immediate knowledge of the death of the person, shall comply with this section within 14 days of the date of the death of the person.

(3) A person referred to in Section 17, other than a relation, shall comply with this section within such time as the Registrar, in writing, requires.

35. REGISTRATION OF DEATHS.

Subject to Section 36, the Registrar may, in his discretion and notwithstanding Section 34, register the death of a person who dies at any time and at any place in the country.

36. CERTIFICATE AS TO CAUSE OF DEATH.

(1) Subject to Subsection (2), a medical practitioner who—

- (a) attended a person who died in the country immediately before his death or during the illness terminating in his death; or
- (b) viewed after death the body of a person who died in the country without being attended by a medical practitioner immediately before his death or during the illness terminating in his death,

shall forward to the Registrar or a Registration Officer a medical certificate or post-mortem certificate, in the prescribed form, as to the cause of death.

(2) A medical practitioner who has—

- (a) attended a person immediately before his death, or during the illness terminating in his death; or
- (b) viewed after death the body of a person who was not, immediately before his death, or during the illness terminating in his death, attended by a medical practitioner,

shall not, without the consent of a Coroner, forward to the Registrar or a Registration Officer a medical certificate or post-mortem certificate as to the cause of death in respect of the death of that person where, in the opinion of the medical practitioner, the person—

- (c) was killed; or
- (d) was drowned; or
- (e) died a sudden death the cause of which is unknown; or
- (f) died under suspicious or unusual circumstances; or
- (g) died while under an anaesthetic in the course of a medical, surgical or dental operation or an operation of a similar nature; or
- (h) died within a year and a day after the date of an accident to which the cause of death is directly attributable; or
- (i) died in a mental hospital, a correctional institution or a lock-up while a prisoner or in custody; or
- (j) died in such circumstances that the cause of death and the circumstances of death should be more clearly and definitely ascertained; or
- (k) died, not having been attended by a medical practitioner at any time within three months before his death.

(3) A medical practitioner who, under Subsection (2), does not forward to the Registrar or a Registration Officer a medical certificate or a post-mortem certificate as to the cause of death of a person shall report the death to a Coroner or to the officer-in-charge of the police station nearest to the place of death.

(4) A medical practitioner shall comply with this section—

- (a) where a person dies in prescribed premises and the body of the person is not the subject of a post-mortem examination—within 48 hours after the time of death; or
- (b) where the body of a dead person is the subject of a post-mortem examination—within 48 hours after the completion of the examination; or
- (c) in any other case—within such time as the circumstances allow him, acting with all due diligence, to comply.

(5) This section and the *Cemeteries Act 1955* do not prevent the registration of the death and the issue by the Registrar of an official copy of the entry of death of a person whose cause of death has not been certified by a medical practitioner or a Coroner, or whose burial has not been certified by the person in charge of the burial, where the Registrar is of the opinion that the fact of death and the identity of the dead person are not in doubt and the dead person is not a person to whom Section 37 applies.

37. REGISTRAR MAY REGISTER PARTICULARS OF CERTAIN PERSONS PRESUMED DEAD.

(1) In this section, “authorized affidavit of death” means an affidavit made under an order of the National Court granting an applicant leave to swear that the death of a person to whom Subsection (2) applies occurred on or about a given date.

(2) On production of an authorized affidavit of death, the Registrar may register, in a register of deaths, the particulars of a person who—

- (a) disappears within the country; or
- (b) is presumed drowned or killed in waters within or adjacent to the country and whose body is not found; or
- (c) disappears from a vessel or aircraft proceeding from a port or airport in the country to another port or airport in the country; or
- (d) was on board a vessel or aircraft proceeding from a port or airport in the country to another port or airport in the country that disappears in circumstances that indicate that the vessel or aircraft and the person are lost.

(3) An authorized affidavit of death shall—

- (a) have annexed the order, or an office copy of the order, under which it is made; and

- (b) include particulars of the circumstances in which the person to whom it relates disappeared; and
- (c) include the prescribed particulars required to be given in the case of the death of a person in the country that are applicable and known to the deponent; and
- (d) be retained and filed by the Registrar.

PART VI. – REGISTRATION OF MARRIAGES.**38. INTERPRETATION OF PART VI.**

In this Part, “certificate of marriage” or “official certificate of marriage” means–

- (a) a certificate referred to in Section 45 of the *Marriage Act 1963*; or
- (b) a certificate of marriage that, under the repealed legislation, was required or allowed to be–
 - (i) forwarded to the Registrar or a District Registrar; or
 - (ii) issued to the parties to a marriage; or
 - (iii) retained by the celebrant; or
- (c) a notice of a marriage solemnized in the country under Division V.3 of the *Marriage Act 1963*.

39. APPLICATION TO CUSTOMARY MARRIAGES.

This Part does not apply to or in relation to a customary marriage.

40. MARRIAGES REQUIRED TO BE REGISTERED.

The Registrar shall register the prescribed particulars of all marriages solemnized or purported to be solemnized in the country under the *Marriage Act 1963*–

- (a) on receipt by him of the official certificate of marriage; or
- (b) where an official certificate of marriage is not received, in accordance with Section 41.

41. WHERE OFFICIAL CERTIFICATE NOT RECEIVED.

(1) Subject to Section 42, where the Registrar does not receive an official certificate of a marriage he may register the prescribed particulars of the marriage on production by an informant of–

- (a) the certificate of marriage issued to the parties to the marriage by the authorized celebrant; or
- (b) the official certificate of marriage retained by the authorized celebrant; or
- (c) the prescribed particulars of the marriage in the official form.

(2) Where the Registrar has reason to believe that a person is in possession of a certificate of marriage or an official certificate of marriage relating to a marriage that is required under this Act to be registered and that is not registered, that person shall produce the certificate to the Registrar within such time as the Registrar, in writing, requires.

(3) Where the Registrar has reason to believe that a person was a party to a marriage, or was a witness to a marriage, that is required under this Act to be registered and that is not registered, that person shall give the prescribed particulars of the marriage to the Registrar within such time as the Registrar, in writing, requires.

(4) The Registrar shall make an official copy of a certificate of marriage or an official certificate of marriage produced to him for the purposes of this section and return the certificate to the informant.

42. CERTAIN MARRIAGES NOT TO BE REGISTERED WITHOUT CONSENT.

The Registrar may refuse to register or to authorize the registration of a marriage without the consent of a Magistrate of a District Court, where the marriage was solemnized more than a year before an official certificate of the marriage or a certificate of marriage relating to the marriage, or the prescribed particulars of the marriage, was or were produced.

43. NOTICE OF DISSOLUTION OR ANNULMENT OF MARRIAGE.

Where the Registrar receives a notification under the hand of the Registrar or other appropriate officer of the National Court or a court of a State or Territory of Australia stating that a marriage solemnized in the country has been dissolved or annulled by a decree or order of that court, the Registrar may make a notation of the dissolution or annulment on the entry of the marriage in the register of marriages.

PART VII. – LEGITIMATION.

*Division 1.**Preliminary.*

44. INTERPRETATION OF PART VII.

(1) In this Part, unless the contrary intention appears—

“information of legitimation” means the particulars contained in the prescribed form or a corresponding form under the *Marriage Act 1961* of Australia, as in force from time to time;

“legitimacy order” means an order under Section 55 of the *Marriage Act 1963* or under Section 92 of the *Marriage Act 1961* of Australia, as in force from time to time;

“legitimated child” means—

- (a) a person—
 - (i) whose parents were not married to each other at the time of his birth but subsequently married each other; and
 - (ii) who, under Section 52 or 53 of the *Marriage Act 1963*, is a legitimate child of his parents by virtue of the marriage; or
- (b) a person who is—
 - (i) the child of a void marriage; and
 - (ii) the legitimate child of his parents by virtue of Section 54 of the *Marriage Act 1963*; or
- (c) a person who, under Section 111(2) of the *Marriage Act 1961* of Australia, as in force from time to time, is the legitimate child of his parents;

“official record” means—

- (a) in relation to a birth—a copy or photographic representation of an entry of the birth in an official register of births, being a true copy, or a representation certified as a true copy or photographic representation by a person having the custody of the register containing the entry of which it purports to be a true copy or photographic representation; and
- (b) in relation to a marriage—
 - (i) an original certificate or record of the marriage; or
 - (ii) a copy or photographic representation of an original certificate or record of the marriage or of an entry of the marriage in an official register of marriages, being a true copy or representation certified as a true copy or photographic representation by a person having the

custody of the certificate or record, or of the register containing the entry, of which it purports to be a true copy or photographic representation.

(2) References in this Part to a legitimated child, unless the contrary intention appears, include—

- (a) references to a child not living at the time of the marriage of his parents; and
- (b) from the date of the marriage of his parents—references to a child born before the marriage of his parents.

(3) A requirement in this Part that a person produce or furnish to a person an official record of a birth or marriage shall be read as a requirement that the person produce or furnish an official record of the birth or marriage—

- (a) written in the English language; or
- (b) written in some other language with a translation into English of the official record, having endorsed on it a declaration signed by the person who made the translation declaring that—
 - (i) it is a correct translation of the official record of which it purports to be a translation; and
 - (ii) he is competent to make a translation of that record.

45. INFORMATION OF LEGITIMATION TO BE GIVEN TO REGISTERING AUTHORITY.

(1) Where a person who was born in the country or whose birth is registered in the country—

- (a) is or was a legitimated child; and
- (b) has not been registered previously under any law,

his parents shall give information of the legitimation to the Registrar.

(2) Where a person who was born in or whose birth is registered in a State or Territory of Australia—

- (a) is or was a person referred to in Paragraph (a) or (b) of the definition of “legitimated child” in Section 44(1); and
- (b) has not been registered under a law of that State or Territory as the legitimate child of his parents,

his parents shall give information of the legitimation to the principal birth registration authority of that State or Territory.

(3) The giving of information of legitimation by one parent of a legitimated child shall be deemed to be compliance with this section where—

- (a) the parents of the person were not married to each other at the time of his birth but have subsequently married each other, and—

- (i) the father of the person has acknowledged that he is the father of the person or his particulars have been entered in a register of births in accordance with Section 28; or
 - (ii) the father of the person has acknowledged, in accordance with a law of the State or Territory of Australia where the birth of the person is registered, that he is the father of the person; or
 - (iii) a certified copy of an affiliation order made by a court of competent jurisdiction ordering the father to make payments to the mother for the support of the person or in respect of the birth or death of the person is produced; or
 - (iv) a certified copy of a legitimacy order that relates to the person is produced; or
- (b) that parent—
- (i) believed at the time of the intercourse that resulted in the birth of the person or at the time when the ceremony of marriage to the other parent took place, whichever was the later, that the marriage was valid; and
 - (ii) subsequently learned that the marriage was void.
- (4) The parents of a legitimated child shall comply with this section—
- (a) where a person is legitimated by marriage—within six months after the date of solemnization of the marriage; or
 - (b) where a person is the legitimated child of a void marriage—within six months after the date on which the parent who gives the information of legitimation learned that the marriage was void.

(5) The giving of information of legitimation by a person other than a parent of a legitimated child shall be deemed to be compliance with this section if a certified copy of a legitimacy order that relates to the child is produced.

46. LEGITIMACY ORDERS.

(1) Where a legitimacy order has been made declaring that a person who is or was a legitimated child is or was the legitimate child of his parents, the information of legitimation referred to in Section 45 shall be given by the applicant—

- (a) where an appeal against the legitimacy order is instituted—within six months after the appeal is finally disposed of; or
- (b) in any other case—within six months after the expiration of the time limited for appealing against the legitimacy order.

(2) For the purposes of Subsection (1), the date on which an appeal is taken to be finally disposed of is the earliest date by which the appeal (including any further appeal) has been determined and any time for further appeal has expired.

47. DOCUMENTS TO BE PRODUCED TO REGISTERING AUTHORITY.

(1) A person who gives information of legitimation of a legitimated child must produce for inspection by the Registrar or the registering authority of the State or Territory of Australia to whom the information is given—

- (a) an official record of the marriage, if the marriage of the parents of the legitimated child did not take place in—
 - (i) Papua New Guinea, in a case where the information is given to the Registrar; or
 - (ii) the State or Territory of the registering authority, in a case where the information is given to a registering authority of a State or Territory of Australia; or
- (b) where the marriage has been annulled, whether in the country or elsewhere, by order of a court—a certified copy of that order; or
- (c) where a parent of the legitimated child has been convicted, whether in the country or elsewhere, of the offence of bigamy in connection with the marriage—a certificate of the conviction specifying the date of the conviction, being a certificate purporting to be signed by the Registrar or other appropriate officer of the court by which he was convicted; or
- (d) where a legitimacy order has been made in relation to the child—the order or a certified copy of the order,

according to the circumstances of the particular legitimation.

(2) A person referred to in Subsection (1) is not required to produce a document referred to in Subsection (1)(a), (b) or (c) where—

- (a) it has been produced to the registering authority by another person; or
- (b) he furnishes to the registering authority a statement under his hand stating that for reasons specified in the statement it is impracticable to obtain it.

Division 2.

Registration of Legitimations.

48. BIRTHS OF LEGITIMATED CHILDREN TO BE RE-REGISTERED.

(1) Subject to this section, where the Registrar receives information of legitimation of a person—

- (a) whose birth is registered or required to be registered in a register of births; and
- (b) who has not been registered previously under any law; and
- (c) whose birth has been re-registered previously in a register of births in accordance with this Part; and
- (d) who is a legitimated child,

he shall re-register the prescribed particulars of the birth of the person in a register of births in accordance with this Part.

(2) Where the Registrar is required to re-register a birth under this Part and the birth, being a birth that is required to be registered in a register of births, is not registered, he may cause or direct the original registration of the birth and the registration required to be made under this Part to be made in one entry in a register of births.

(3) The Registrar shall not re-register the birth of a legitimated child under this Part (other than the birth of a person in respect of whom a legitimacy order has been obtained) without the written consent of the Minister where information is received of legitimation—

- (a) of a person who is legitimated by marriage—more than six months after the date of solemnization of that marriage; or
- (b) of a person who is the legitimate child of a void marriage—more than six months after the date on which the parent who gives information of legitimation learned that his marriage to the other parent was void.

(4) On registering or re-registering the prescribed particulars of birth in accordance with this Part, the Registrar shall make a notation—

- (a) on the re-registration entry that the entry is made under this Part; and
- (b) on the original entry (if any) that the birth has been re-registered under this Part.

(5) In Subsection (4), “original entry” includes an entry of birth made under the *Lost Registers Act 1950*.

49. REGISTRATION OF LEGITIMATIONS IN THE REGISTER OF FOREIGN LEGITIMATIONS.

(1) Where a person who was born outside Papua New Guinea and Australia—

- (a) is or was a person referred to in Paragraphs (a) or (b) of the definition of “legitimated child” in Section 44(1); and
- (b) is not registered in a register of births kept under a law of a State or Territory of Australia; and
- (c) is not registered in the Register of Foreign Legitimations kept under the *Marriage Act 1961* of Australia, as in force from time to time,

application may be made to the Registrar to register the legitimation.

(2) The persons who may apply to register a legitimation under this section are the persons who, under this Part, might furnish information of legitimation if the legitimated person were a person in respect of whom information of legitimation is required to be given to a registering authority of a State or Territory of Australia under Section 45.

(3) An applicant shall furnish to the Registrar—

- (a) an application in the prescribed form; and
- (b) an official record of birth in respect of the birth of the legitimated person; and
- (c) an official record of marriage in respect of the marriage of the parents of the legitimated person; and
- (d) where the applicant is the person who has obtained a legitimacy order relating to the legitimated person—a certified copy of the order.

(4) Where it is impracticable for an applicant to obtain an official record referred to in Subsection (3), the applicant shall furnish to the Registrar a statement under his hand stating that for the reasons specified in the statement it is impracticable to obtain such an official record.

(5) For the purposes of this Act, the information in an application made under this section shall be deemed to be prescribed particulars for registration, and an applicant shall be deemed to be the informant in relation to those prescribed particulars.

50. REGISTER OF FOREIGN LEGITIMATIONS.

(1) The Registrar shall keep a register, to be called the Register of Foreign Legitimations, in the prescribed form.

(2) Where the Registrar is satisfied that an application made under Section 49 shows prescribed particulars of legitimation in relation to a person referred to in Section 49(1), he shall register the legitimation in the prescribed manner.

PART VIII. – REGISTRATION OF ADOPTIONS.**51. REGISTER OF ADOPTED CHILDREN.**

(1) The Registrar shall register adoptions made under the *Adoption of Children Act 1968* by binding in a register of adopted children–

- (a) the official copy or certified copy of every adoption order forwarded or transmitted to him under that Act; and
- (b) a registration entry in the prescribed form.

(2) Where an order is made that varies or discharges an adoption order, the Registrar shall make in a register of adopted children and in any register of births such entries and notations as are necessary.

(3) Where the Registrar causes a memorandum of an adoption order or an interim adoption order to be sent to an officer of a State or Territory of Australia or another country under Section 60 of the *Adoption of Children Act 1968*, he shall bind in the register of adopted children a duplicate of the memorandum instead of making an entry in the prescribed form.

(4) Where the Registrar receives a memorandum or copy of an adoption order or interim adoption order in accordance with Section 61 of the *Adoption of Children Act 1968*, he shall bind in the register of adopted children the memorandum or copy of the order instead of making an entry in the prescribed form.

(5) Where an official copy, certified copy or memorandum of an adoption order forwarded or transmitted to the Registrar does not contain any prescribed particulars that are required to be entered in a register, the adoptive parent or parents shall give the prescribed particulars to the Registrar within such time as the Registrar in writing requires.

52. REGISTER OF CUSTOMARY ADOPTIONS.

(1) Where the Registrar receives a certificate under Section 54 of the *Adoption of Children Act 1968* that an adoption has been made in accordance with custom, he shall, after the time for appeal has expired and all appeals have been determined and subject to the results of any such appeals, register the adoption by binding in the register of adopted children referred to in Section 51(1)–

- (a) the certificate; and
- (b) a registration entry in the prescribed form.

(2) Where the Registrar receives–

- (a) a certificate under Section 54 of the *Adoption of Children Act 1968* that an adoption has terminated in accordance with custom; or
- (b) a variation of a certificate made under Section 55 of that Act,

he shall make, in a register of adopted children and in a register of births, such entries and notations as are necessary in consequence of the termination or variation.

(3) Where the Registrar receives a certificate that does not contain any prescribed particulars that are required to be entered in a register, the adoptive parent or parents shall give the particulars to the Registrar within such time as the Registrar in writing requires.

53. ORIGINAL ENTRY OF BIRTH TO BE MADE.

(1) Where the Registrar is required to re-register a birth under this Part and the birth (being a birth that is required to be registered in a register of births) is not registered, he shall, so far as practicable, cause an original entry of birth to be made.

(2) An original entry of birth made under this section shall contain the prescribed particulars of the birth of the adopted child that would be applicable to registration as a child of his natural parent or parents.

54. BIRTHS OF ADOPTED CHILDREN TO BE RE-REGISTERED.

(1) In this section, “prescribed particulars” means such of the prescribed particulars of birth as are applicable to a child and his adoptive parent or parents, or natural parent, in the circumstances of the particular adoption.

(2) Where the birth of a child registered in a register of adopted children kept under this Act is registered or required to be registered in a register of births, the Registrar shall re-register the prescribed particulars of the child in a register of births in accordance with this Part.

(3) In a re-registration of the birth of a child under this Part, the Registrar shall register—

- (a) in the case of a child that is adopted—
 - (i) by spouses jointly; or
 - (ii) by one person who—
 - (A) on the making of the adoption order; or
 - (B) at the time of the adoption the subject of a certificate referred to in Section 52(1),
is married to a natural parent of the child,

the prescribed particulars of the child and the adoptive parents, or the adoptive parent and the natural parent, as the case requires; or

- (b) in the case of a child that is adopted by one person (other than a person specified in Paragraph (a))—the prescribed particulars of the child and of the adopter (who shall be designated father “by adoption” or mother “by adoption”, as the case requires).

(4) For the purposes of this section, an adoptive parent shall give the prescribed particulars to the Registrar within such time as the Registrar, in writing, requires.

55. NOTATION OF ADOPTION TO BE MADE.

On re-registering the prescribed particulars of birth of an adopted child under Section 54, the Registrar shall make a notation—

- (a) on the re-registration entry—that the entry is made under this Part; and
- (b) on the original entry (if any) and the entry in a register of adopted children—that the birth has been re-registered under this Part.

PART IX. – MISCELLANEOUS.

56. REGISTRAR MAY MAKE COPIES OF DILAPIDATED REGISTERS.

(1) Where, in the opinion of the Registrar, the condition of an entry in a register in the statutory custody of the Registrar-General or in the statutory custody of a Registration Officer makes it necessary to take steps to preserve the particulars in it, he may make a copy of the entry in accordance with this section.

(2) Where an entry or part of an entry in a register has been obliterated or destroyed or is indecipherable, the Registrar may reconstruct the particulars in the entry from any record or source of information that he believes shows or evidences the particulars registered in the original entry.

(3) Where the Registrar, in making a copy of an entry under this section, is unable to reconstruct a particular in the original entry, he shall make a notation on the copy that that particular in the original entry has been obliterated or destroyed or is indecipherable.

(4) For the purposes of this section, the Registrar may make a copy of an entry in such form as he thinks proper, and shall certify the copy as being a true copy of the original entry to which it relates.

(5) Subject to Subsection (3), a copy of an entry made under this section is available, subject to this Act, for all purposes for which the original entry would have been available and is as valid for all purposes as the original entry.

(6) This section does not authorize the Registrar to make under this section a copy of an entry in a register that has been declared under the *Lost Registers Act* 1950 to be a lost register.

57. PERFORMANCE OF OFFICIAL DUTIES BY REGISTRAR AND OTHER PERSONS.

(1) A person dealing with a Deputy Registrar or a Registration Officer is not concerned to see and inquire whether any restrictions or limitations have been imposed by the Registrar on the exercise of his powers, and every act or omission of a Deputy Registrar or a Registration Officer, so far as it affects any such person, has the same force and effect and the same consequences as if it had been done or omitted by the Registrar.

(2) The Registrar, a Registration Officer, a collecting agent or any other person appointed or employed for the purposes of this Act is not personally liable for anything done or omitted to be done by him in good faith in the exercise of his powers or the performance of his duties.

58. PROCEDURE IN HEARINGS BY MAGISTRATES.

In the hearing of an application made under Section 27, 28 or 42 a Magistrate—

- (a) is not bound to observe strict legal procedure or apply technical rules of evidence but shall admit and consider such relevant evidence as is available (including hearsay evidence); and
- (b) may accept evidence by statutory declaration in the case of a person whose attendance before him the Magistrate thinks unnecessary or that he thinks would occasion undue hardship; and
- (c) subject to any law authorizing a declaration to be made instead of an oath—shall examine on oath a person appearing to give evidence before him.

59. OFFENCES AND PENALTIES.

(1) In this section, “information” means—

- (a) prescribed particulars; or
- (b) an application made under Section 21; or
- (c) a return of births specified in Section 24; or
- (d) a medical certificate of still-birth specified in Section 30; or
- (e) a return of deaths specified in Section 33; or
- (f) a medical certificate or a post-mortem certificate as to the cause of death of a person specified in Section 36; or
- (g) a report of the death of a person specified in Section 36(3); or
- (h) an official certificate of marriage or a certificate of marriage specified in Part VI; or
- (i) a document or statement specified in Section 47 or 49(3) or (4).

(2) A person who is required by or under this Act to give to the Registrar or a Registration Officer or, in the case of a medical practitioner, to a Coroner or a member of the Police Force, any information and who refuses or fails to give that information is guilty of an offence.

Penalty: A fine not exceeding K200.00.

(3) A person who—

- (a) gives to the Registrar or a Registration Officer information that, to the knowledge of the person, is false or misleading in a material particular; or
- (b) obtains the registration or re-registration of a birth, death, marriage, legitimation or adoption required to be registered or re-registered under this Act otherwise than in accordance with this Act; or
- (c) destroys, defaces or damages a record or register kept under this Act; or

- (d) destroys or conceals any information in order to prevent a registration being made or a prescribed particular being entered in a register under or in accordance with this Act,

is guilty of an offence.

Penalty: A fine not exceeding K500.00 or imprisonment for a term not exceeding six months.

(4) The Registrar or a Registration Officer who—

- (a) omits or refuses without reasonable cause to register, re-register or record, in accordance with this Act, a birth, death, marriage, legitimation or adoption that, by this Act, he is required to register, re-register or record; or
- (b) enters any particulars in a register where those particulars, to the knowledge of the Registrar or the Registration Officer, as the case may be, are false or misleading in a material particular,

is guilty of an offence.

Penalty: A fine not exceeding K500.00 or imprisonment for a term not exceeding six months.

(5) Where an offence is committed by a person by reason of his refusal or failure to comply with a provision of this Act or with a requirement of or under this Act, by which he is required to give any information within a particular period—

- (a) the offence shall be deemed, for the purpose of Paragraph (b), to continue so long as the person refuses or fails to comply with the provision or requirement, notwithstanding that the period has elapsed; and
- (b) the person commits a further offence against this Act each day after the expiration of that period on which the offence is deemed to continue.

Penalty: A fine not exceeding K20.00.

(6) Proceedings for an offence against this Act shall not be instituted except by, or with the consent of, the Public Prosecutor.

60. NON-STATUTORY REGISTERS MAY BE TAKEN INTO STATUTORY CUSTODY.

(1) Where a person has in his possession or under his control a register that has not been made under the authority of this Act and that relates to births or deaths in the country, he may, and where he is an officer of the Public Service or a Registration Officer or is required to do so by the Registrar shall, deliver the register to the Registrar.

(2) The Registrar—

- (a) may make such inquiries as he thinks proper to ascertain if a register delivered under Subsection (1) constitutes proper evidence of the facts contained in it; and
- (b) shall report the delivery of the register and the nature and result of the inquiries (if any) made by him to the Minister.

(3) Where the Attorney-General is of the opinion that a register delivered to the Registrar under this section—

- (a) constitutes proper evidence of the facts contained in it; and
- (b) if it had been a register kept under this Act—would substantially comply with requirements of this Act as to the nature of prescribed particulars required to be entered in a register of births or a register of deaths,

he may recommend to the Minister that the register be taken into statutory custody by the Registrar.

(4) On receipt of a recommendation under Subsection (3), the Minister may, by notice in the National Gazette, direct the Registrar to take the register into his statutory custody.

(5) A direction by the Minister under this section may qualify the extent to which a register taken into statutory custody by the Registrar shall be deemed to be a register of births or a register of deaths made under this Act.

(6) Where the Registrar takes a register into his statutory custody under this section, the register shall, subject to Subsection (5), be deemed to be a register of births or a register of deaths made under this Act .

61. REGULATIONS.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular for—

- (a) prescribing forms and registers to be used under this Act; and
- (b) prescribing fees to be paid for or in respect of matters or things required to be done under or for the purposes of this Act; and
- (c) making provision for or in relation to the certification and registration of causes of death of persons not certified by a medical practitioner or a Coroner; and
- (d) making provision for or in relation to the keeping of registers and the lodging of applications, forms and certificates with the Registrar and Registration Officers; and
- (e) requiring the verification, by statutory declaration, of any particular or information required for the purposes of this Act; and

- (f) prescribing penalties of fines not exceeding K40.00 and, in addition, in the case of continuing offences fines not exceeding K10.00 for each day during which the offence continues.

SCHEDULE 1 – PERSONS REQUIRED TO GIVE PRESCRIBED PARTICULARS.

Sec. 17.

PART I – PERSONS REQUIRED TO GIVE PRESCRIBED PARTICULARS OF BIRTH TO REGISTRAR-GENERAL.

1. The parents of the child.
2. Every person present at the birth of the child.
3. The occupier of prescribed premises in which the child was, to the knowledge of the occupier, born.
4. In the case of a foundling—every person finding or taking charge of the child.

PART II – PERSONS REQUIRED TO GIVE PRESCRIBED PARTICULARS OF DEATHS TO REGISTRAR-GENERAL..

1. Every relative (including a relative by marriage) of the dead person having immediate knowledge of the death.
2. Every person present at the death.
3. The occupier of prescribed premises in which the death, to the knowledge of the occupier, occurred.
4. The medical practitioner who certifies the cause of death.
5. The Coroner who gives notice of the death or a certificate in relation to the death.
6. The person in charge of the burial of the dead person.
7. Every person finding or taking charge of the body.

Office of Legislative Counsel, PNG