



# LAWS OF FIJI

## CHAPTER 49

### BIRTHS, DEATHS AND MARRIAGES REGISTRATION



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**CHAPTER 49****BIRTHS, DEATHS AND MARRIAGES REGISTRATION**

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## CHAPTER 49

### BIRTHS, DEATHS AND MARRIAGES REGISTRATION

*Act No. 7 of 1975*

#### AN ACT TO CONSOLIDATE AND AMEND THE LAW RELATING TO THE REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES

[1st July 1976]

#### PART I—PRELIMINARY

##### *Short title*

1. This Act may be cited as the Births, Deaths and Marriages Registration Act.

##### *Interpretation*

2. In this Act, unless the context otherwise requires—
  - “district” means the area within a division for which a district registrar is appointed for the purposes of this Act;
  - “district registrar” means a district registrar appointed under the provisions of section 4 and, subject to the provisions of subsection (6) of section 4, includes an assistant district registrar;
  - “division” means the area for which a divisional registrar is appointed for the purposes of this Act;
  - “divisional registrar” means a divisional registrar appointed under the provisions of section 4 and includes an assistant divisional registrar;
  - “house” includes any building, structure or vessel;
  - “occupier” includes the warden, keeper, master, manager, director, matron, superintendent, superior, or other chief resident officer of every public or charitable or religious or educational institution, and, where a house is let or sub-let in separate floors or rooms or compartments, includes any person residing in such house who either receives or pays rent for such separate floors or rooms or compartments. Where a whole house is occupied by any person without being let or sub-let as aforesaid, such person shall, whether he is the owner or not, be deemed to be the occupier;

“public institution” includes a prison, approved institution, approved voluntary institution or mental hospital;

“Registrar” means the Registrar of Births, Deaths and Marriages who shall be the Registrar-General, and includes any person appointed by the Registrar-General by notice in the Gazette to perform on his behalf any of the functions of the Registrar under the provisions of this Act;

“registrar” includes the Registrar, any divisional registrar and any district registrar.

*Duty of Registrar to register gratis all births, deaths and marriages*

3. Subject to the provisions of section 13, the Registrar shall register free of charge every birth and death required to be registered under this Act and every marriage solemnized under the Marriage Act of which he shall receive information together with such particulars in each case as are required to be registered:

Provided that registration by a district registrar of any birth, death or marriage in accordance with the provisions of this Act shall be deemed to be registration by the Registrar for the purposes of this Act. (Cap. 50.)

*Divisional and district registries*

4.—(1) For the purposes of this Act there shall be such divisional registries, and within each division, such district registries, as the Registrar may direct.

(2) For each division there shall be a divisional registrar of births, deaths and marriages and for each district there shall be a district registrar of births, deaths and marriages.

(3) Any appointment to the office of a divisional registrar or a district registrar shall be made by the Registrar.

(4) The Registrar shall direct the distribution of business between divisional registries and between district registries.

(5) The Registrar may from time to time appoint such assistant divisional registrars as may be required and every assistant divisional registrar may exercise all the powers, duties and functions of the divisional registrar under this Act.

(6) The Registrar may from time to time appoint such assistant district registrars as may be required and every assistant district registrar may exercise such of the powers, duties and functions of the district registrar as may be authorised by the Registrar by writing under his hand.

*Registration by district registrars*

5. Every district registrar shall on behalf of the Registrar enter and register in duplicate the prescribed particulars touching every birth, foetal death, death and marriage which takes place in his district.

*District registrars to forward returns and original registers to Registrar*

6. Every district registrar in charge of a district shall on or before the seventh day of each month transmit to the Registrar a return of all births, foetal deaths, deaths and marriages registered by him during the previous month together with the original register forms received and registered by him.

*District registrars to forward returns and duplicate registers to divisional registrars*

7. Subject to any directions by the Registrar to the contrary every district registrar shall on or before the seventh day of each month transmit to the divisional

registrar of the division in which his district is situated, a return of all births, foetal deaths, deaths and marriages registered by him during the previous month together with the duplicate register forms received and registered by him during that month.

*Registers to be kept*

8. The Registrar shall keep the original registers of all births, foetal deaths, deaths and marriages in Fiji and, subject to the provisions of section 7, every divisional registrar shall keep the duplicate registers of all births, foetal deaths, deaths and marriages registered in his division.

*Registrars may demand particulars*

9. A registrar may demand of any person applying to register any birth or death any of the particulars required by or under the provisions of this Act to be registered.

*Lost original or duplicate copies or entries may be substituted by true copies*

10. Where any of the original or duplicate documents respectively referred to in sections 6 and 7, or the entries in respect of them, are lost or mislaid, a divisional registrar shall, at the request of the Registrar, and the Registrar shall, at the request of a divisional registrar, make and transmit respectively to the Registrar or to the divisional registrar true copies, certified under the hand of the divisional registrar or the Registrar, as the case may be, of the documents or entries, the originals or the duplicates of which have been lost or mislaid, and any such copies shall be substituted by the Registrar or divisional registrar, as the case may be, for the aforesaid lost originals or duplicates.

## PART II—BIRTHS

*Duty of parent or occupier to register birth*

11. The father of every child born alive or stillborn in Fiji, or, in case of the death, illness, absence, or inability of the father, the mother of such child, or in case of the death, illness, absence, or inability of both the father and mother, any person present at the birth, or where there is no such person, the occupier of the house in which such child has been born, shall, within two months after the day of such birth, give information to a registrar according to the best of his or her knowledge and belief, of the several particulars required to be registered, and shall, in the presence of such registrar sign the register.

*Information respecting certain living new-born children to be given to a registrar*

12.—(1) In case any child is born in, or any new-born child is admitted to, any public institution or charitable or religious institution, it shall be the duty of the person having charge of such institution or a person authorised by him to ascertain from the mother of such child or person bringing such child such information of the particulars required to be registered concerning the birth of such child as can be elicited and, unless the provisions of section 11 have already been observed, to cause such information to be given to a registrar within two months of such birth or admission.

(2) In case any living new-born child is found abandoned, it shall be the duty of any person finding such child to report such finding to a registrar, and within two

months of such finding, to give, to the best of his knowledge and belief, such information of the particulars required to be registered concerning the birth of such child as the informant possesses, and, in the presence of such registrar, to sign the register.

*Limit of time for registration*

13. After the expiration of two months from the date of the birth of any child, a registrar shall not register such birth unless the person required by the provisions of this Act to give information concerning the same makes a solemn declaration to the best of the declarant's knowledge and belief of the particulars required to be registered. After the expiration of twelve months from the date of the birth of any person, such birth shall not be registered except in accordance with regulations to be made under the provisions of this Act, and upon payment of the prescribed fee.

*Registration of name of child or of addition to name*

14.—(1) In every case where it is desired after registration to add to the name of any person whose birth has been registered with a name, or to give a name or names to any person whose birth has been registered without a name, a parent of such person may make a declaration in writing before a registrar in the prescribed form:

Provided that whenever it is shown to the satisfaction of the Registrar that, owing to death or absence from Fiji or other reasonable cause, a parent is unable to attend to make a declaration in writing in accordance with this section, it shall be lawful for the Registrar, in his discretion, upon such evidence as he may in the circumstances deem sufficient, to act in all respects as if a declaration in writing had been made under this subsection and the Registrar shall thereupon, without erasure of the previous entry, forthwith enter in the register the name or names proposed to be added and shall, if required, on payment of the prescribed fee, issue a certificate in the prescribed form.

(2) For every entry made under the provisions of subsection (1) within a period of two months from the date of birth no fee shall be paid. For every such entry made after such period of two months the prescribed fee shall be paid.

(3) No more than one application for an addition to the register in respect of the name or names of any person shall be made under this section.

*Registration of change of name*

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

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

Provided that for the purposes of this subsection the term "parents"—

- (a) where one of the parents has deserted the child or is dead, unknown, missing or of unsound mind, means the other parent; and
- (b) where the child has been adopted, means the adoptive parents.

(3) Where the name of any person has been changed by deed poll under this section or has been changed before the commencement of this section by deed poll in accordance with the law in force as at the date of the deed, the change of name

may be registered on application in the prescribed manner and by depositing the deed or, where a deed poll has been filed in the office of the Registrar of Deeds under the provisions of the Registration Act, a certified copy thereof together with a certified copy of the entry as to the birth of that person. (Cap. 224.)

(4) The Registrar shall forthwith enter and sign on the original entry a memorial of the change of name.

(5) Every certificate or certified copy issued under this Act thereafter shall show the name as changed and no other name.

(6) For the purposes of this section, "surname" includes a family or caste name.

*Illegitimate births*

16.—(1) In the case of the birth of an illegitimate child, no person shall, as the father of such child, be required to give information concerning such birth, and a registrar shall not enter in the register the name of any person as father of such child except on the written request of both the mother and of the person acknowledging himself to be the father, and such person shall, together with the mother, sign the register or the registration form furnished.

(2) If, at any time after registration of the birth of an illegitimate child, the Registrar is satisfied by statutory declaration or such other evidence as he may deem sufficient that both the mother and the person acknowledging himself to be the father require the name of or any other particulars relating to the father to be entered in the register, the Registrar may enter in the register the particulars required to be entered as aforesaid:

Provided that—

- (a) in any such case it shall not be necessary for the person acknowledging himself to be the father to sign the register; and
- (b) if the mother is dead or cannot be found, it shall be sufficient if the request is made by the father alone.

*Additions and changes of name, etc. to be entered in duplicate register*

17. Where any additional entry is made by the Registrar in the original register of any birth pursuant to the provisions of section 14, 15 or 16, as the case may be, the Registrar shall, if a duplicate register of such birth is in the custody of a divisional registrar, forward to that divisional registrar particulars of such entry and the divisional registrar shall record such particulars in the duplicate register of such birth in the same manner as the entry made by the Registrar in the original register.

PART III—DEATHS

*Information of death to be given in various cases to registrar, etc.*

18.—(1) When a person dies in a house, it shall be the duty of—

- (a) any relative of the deceased person present at the death or in attendance at his final illness; or, in default of such relative,
- (b) any person present at the death; or, in default of such person,
- (c) the occupier of the house, if he knew of the happening of the death; or in default of such occupier,
- (d) any inmate of the house who knew of the happening of the death; or, in default of such inmate,



(e) the person causing the body to be buried or cremated, to give the particulars required under the provisions of this Act, to be the best of his knowledge and belief, to a registrar, within seven days from the date of the death.

(2) Where a person dies in a place which is not a house or a dead body is found other than in a house, it shall be the duty of—

(a) any relative of the deceased who has knowledge of any of the particulars required to be registered concerning the death; or, in default of such relative,

(b) any person present at the death; or, in default of such person,

(c) any person finding or taking charge of the body; or, in default of such person,

(d) any person causing the body to be buried or cremated,

to give to the officer in charge of the nearest police station, as soon as possible, such information and particulars required to be registered concerning the death as the informant possesses together with any other information as may be required and such particulars shall then be forwarded by such officer in charge to a registrar.

(3) When an inquest is held by a magistrate into the death of any person, the magistrate holding the inquest shall inquire into the particulars required to be registered concerning the death and shall send to the appropriate registrar, within twenty-four hours after the termination of the inquest, a certificate under his hand giving information concerning the death and specifying the said particulars and the time and place at which the inquest was held and the appropriate registrar shall cause the death and particulars to be duly registered.

(4) When an inquest is held by a magistrate on any dead body, or the information and particulars required to be registered have been forwarded by a magistrate under the provisions of subsection (6), no person shall, in relation to such dead body or death, be subject to any penalty for failing to give information in pursuance of any other provisions of this Act.

(5) After the expiration of seven days from the finding by a magistrate, the death shall be registered in the register book of deaths.

(6) Where a magistrate to whom information concerning the death of any person has been referred decides that an inquest into such death need not be held, he shall forward to the appropriate registrar as soon as possible the information and particulars required to be registered concerning the death and the appropriate registrar shall cause the death and particulars to be duly registered.

*Duty of registrars to procure information*

19.—(1) Notwithstanding any omission to report, or furnish information as to any death within the times laid down in section 18, it shall be the duty of every registrar to procure by all means in his power the best and most accurate information respecting any death which may have occurred within his district and to cause the same to be registered.

(2) Any person who, within forty-eight hours of being required so to do, fails to provide the registrar with such information as in his possession shall be guilty of an offence and shall be liable on conviction to a fine of two hundred dollars.

*Provisions as to certificates of cause of death*

20. With respect to certificates of the cause of death—

- (a) the Registrar shall, on the application of a registered medical practitioner, registered medical assistant, registered midwife or registered nurse, furnish him or her with a book of printed forms of certificates of death in the prescribed form;
- (b) in the case of the death of any person who has been attended during his last illness by a registered medical practitioner, or a registered medical assistant, that practitioner or medical assistant or, in the case of a stillborn child, a registered midwife or a registered nurse, shall forthwith sign and give to some person required by this Act to give information concerning the death a certificate in duplicate in the prescribed form stating to the best of his knowledge and belief the cause of death, and such person shall, on giving information concerning the death, deliver that certificate to a registrar; and the cause of death as stated in that certificate shall be entered in the register;
- (c) where an inquest is held on the body of any deceased person, or where a police officer of or above the rank of corporal or a magistrate or a Justice of the Peace or other authorised person has issued a burial or cremation order, a medical certificate of the cause of death need not be given;
- (d) for the purpose of securing uniformity in the death returns, the cause of death certified by a registered medical practitioner, or by a registered medical assistant, or by a registered midwife or nurse, or by a police officer of or above the rank of corporal or by a magistrate, or by a Justice of the Peace, or by any other authorised person, shall, so far as possible, be described in strict accordance with the International Classification of Diseases of the World Health Organisation. If in any certificate the cause of death is not described, it shall be lawful for a registrar to refuse to register the cause of death as thus certified, and to proceed in the manner provided by section 21 for cases in which that officer suspects that the reported cause of death is not the true cause.

*(Section amended by 12 of 1978, s. 2.)*

*Duty of registrar when in doubt as to cause of death*

21. In any case in which a registrar suspects that the reported cause of death is not the true cause, it shall be the duty of the registrar to institute or cause to be instituted immediate inquiries with a view to ascertaining the true cause of death or to inform any police officer of his suspicions.

*Register of persons dying out of Fiji while on war services*

22.—(1) The Registrar shall keep a separate register of all persons who are proved to his satisfaction to have died out of Fiji while on service in any capacity in a war and who at the time of death were domiciled in Fiji or were members of the Fiji naval or military forces.

(2) The Registrar may accept a grant of probate or administration by a court of competent jurisdiction as proof of the death in any place out of Fiji of any person to whom this section applies, or may accept a certificate of death under the hand of a member of the naval or military forces, or in default of either such grant or certificate, such other proof of death as he may deem sufficient.

(3) The register to be kept under the provisions of this section shall contain the particulars required to be registered concerning deaths by the provisions of this Act in so far as such particulars can be reasonably ascertained or are applicable and, in appropriate cases, the facts upon which the Registrar has accepted proof of death.

(4) for the purposes of this section, "a war" means any war in which Her Majesty may be engaged.

#### PART IV—GENERAL

##### *Searches of indexes in general registry office and certified copies*

23.—(1) The Registrar shall cause indexes of the original register books of births, deaths and marriages kept by him to be made, and any person on application in writing giving such information as the Registrar shall require, shall be entitled on payment of the prescribed fee to require the Registrar to cause a search to be made of such indexes and register books, and such person shall be entitled to receive a copy of or extract from any entry in the said register books, certified under the hand of the Registrar and sealed or stamped with the seal or stamp of the registry office, for which the prescribed fee shall be paid.

(2) The Registrar shall, after the registration of every birth, death or marriage in respect of a Fijian, provide the Native Lands Commission with a certified copy of the entry in respect of such registration.

##### *Searches of indexes in divisional registry offices and certified copies*

24. Every divisional registrar shall cause indexes of the duplicate register books of births, deaths and marriages kept by him to be made and any person, on application in writing giving such information as the divisional registrar shall require, shall be entitled on payment of the prescribed fee to require the divisional registrar to cause a search to be made of such indexes and duplicate register books and such person shall be entitled to receive a copy of or extract from any entry in the said duplicate register books certified under the hand of the divisional registrar and sealed or stamped with the seal or stamp of the divisional registry office, for which the prescribed fee shall be paid.

##### *Searches only by Registrar or divisional registrars and those authorised*

25. No person except the Registrar or a divisional registrar and officers specially authorised by the Registrar or a divisional registrar, as the case may be, shall search in indexes, registers or register books kept by the Registrar or a divisional registrar.

##### *Certified copies and certificates signed and sealed by Registrar or divisional registrar shall be accepted as evidence*

26. A certified copy of any entry in a register or register book signed and sealed by the Registrar or a divisional registrar, as the case may be, shall be received in all courts as evidence of the birth, death or marriage to which the same relates and of the particulars therein recorded without further proof of such matters and every certificate of the Registrar that any register of births, deaths or marriages for any specified period is lost or destroyed shall be received in any court as conclusive evidence of that fact.

*Penalty for destroying register book*

27. Any person who wilfully destroys or injures, or causes to be destroyed or injured, or makes any unauthorised entry in, any register book or any part or certified copy of any part thereof, shall be guilty of an offence and shall be liable on conviction to a fine of four hundred dollars or to imprisonment for a term of two years or to both such fine and imprisonment.

*Correction of errors in registers*

28. With regard to the correction of errors in registers of births, deaths or marriages—

- (a) no alteration in any such register shall be made except as authorised by the provisions of this Act;
- (b) an error of fact or substance in any register may be corrected by an entry in the margin (without any alteration of the original entry) by the Registrar on payment of the prescribed fee and on production to him by the person requiring such error to be corrected of a declaration in the prescribed form setting forth the nature of the error and the true facts of the case, and, in the case of a birth or a death, made by two persons required by this Act to give information concerning the birth or death with reference to which the error has been made and in the case of a marriage, by the parties to the marriage with reference to which the error has been made, or, in the absence of any such persons, then by two credible persons to the satisfaction of the Registrar having knowledge of the truth of the case, and the Registrar shall sign such marginal entry and shall add thereto the day and month and year when such correction is made;
- (c) where an error of fact or substance (other than an error relating to the cause of death) occurs in the information given to a registrar by a magistrate concerning a dead body upon which he has held an inquest, or in the case of any dead body in respect of which a burial or cremation order has been issued, the magistrate or the person who issued the burial or cremation order may, if satisfied by evidence upon oath or a statutory declaration that such error exists, certify under his hand to the Registrar the nature of the error and the true facts of the case as ascertained by him on such evidence, and the error may thereupon be corrected by the Registrar in the register by entering in the margin (without any alteration of the original entry) the facts as so certified by such magistrate or other person, and the Registrar shall sign such marginal entry and shall add thereto the day and month and year when such correction is made; and
- (d) the Registrar shall forthwith upon making any correction in accordance with any of the provisions of this section in any register of births, deaths or marriages send to the appropriate divisional registrar particulars of such correction and the divisional registrar shall enter and sign an identical entry in the duplicate register of the birth, death or marriages with reference to which the correction has been made.

*Report of births and deaths at sea*

29. All masters or commanders of Fiji registered vessels shall, on arrival in any port in Fiji, furnish to the Chief Officer of Customs the particulars of every

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birth and death which shall have occurred on board such vessel while at sea according to the prescribed forms. Such forms shall on being so required by any such master or commander as aforesaid, be supplied to him by the said Chief Officer of Customs, who shall, when the form is duly completed and signed forward the same to the Registrar.

*Penalty for certain offences*

30. Every person who shall refuse or neglect to give any notice or information required by this Act or shall knowingly register any birth, death or marriage contrary to any of the provisions of this Act shall be guilty of an offence and shall be liable on conviction to a fine of two hundred dollars or to imprisonment for a term of six months or to both such fine and imprisonment.

*Any registrar may administer oaths under the Act*

31. Where, by or under the provisions of this Act, any evidence, information or particulars are required to be given on oath, such oath may be taken before any registrar.

*Regulations*

32. The Registrar-General may, subject to the approval of the Minister, make regulations from time to time for carrying out the provisions of this Act, prescribing the particulars required to be registered, the forms to be used, and the fees to be charged or payable, for the services to be performed in connexion with the provisions of this Act, and for the management of registries.

*Controlled by Ministry of the Attorney-General*