

PITCAIRN, HENDERSON

DUCIE & OENO ISLANDS

No 002 of 2014

Victoria Tranter



Enacted by the Governor of the Islands
of Pitcairn, Henderson, Ducie and Oeno

GENDER EQUALITY ORDINANCE 2014

DATE MADE: 08 MAY 2014

Date Published: 26 MAY 2014

An Ordinance to amend various Pitcairn laws to ensure gender equality and comply with the provisions of the Convention on the Elimination of All Forms of Discrimination of Women

Short title and commencement

1. This Ordinance may be cited as the Gender Equality Ordinance 2014 and shall come into operation on the day after it is published.

Amendments

2. The Ordinances specified in Schedule 1 are amended in the manner set out in that Schedule.

Probate and Administration

3. The Probate and Administration Ordinance is amended by repealing the first schedule and replacing it with Schedule 2 of this Ordinance.

Births and Deaths
Registration

4. Section 13 of the Births and Deaths Registration Ordinance is repealed and replaced by the following sections:

Registration of
parents' details

13. The Registrar must register, as part of the birth information of a child, information about the identity of a parent if –

- (a) the information has been notified on a form signed by both parents; or
- (b) the information relates to the child's father and a Court has made a finding of paternity declaring the man to be the child's father; or
- (c) the parent requests, in writing, his or her details to be included and the other parent does not dispute the accuracy of the information; or
- (d) the Registrar is satisfied that the person is a parent of the child.

Appeals
relating to
registration of
parents' details

13A.–(1) This section applies to a person affected by a decision of Registrar under section 15 to –

- (a) register as part of a child's birth information any information indicating or purporting to indicate that a person is the child's parent; or
- (b) decline to register as part of a child's birth information any information indicating or purporting to indicate that a person is the child's parent.

(2) The person affected may appeal against the decision to the Supreme Court.

SCHEDULE 1

Amendments relating to gender

Justice Ordinance

Ordinance	Section	Omit these words	Substitute these words
Justice Ordinance	5(1)(a)(iv)	“woman who shall have been deserted by her husband”	“spouse”
	38(1)(c)	“, if male,”	-
	38(2)	“, if male”	-
		“, in the case of any defendant,”	-
Registration of Business Names Ordinance	3(c)	“in the case of a woman”	-
Adoption of Infants Ordinance	18	“the father”	“a parent”
		“mother, and the mother is a single woman,”	“other parent”
		“shall cease to have effect if she subsequently marries”	“may be cancelled or varied by order of the Court if the Court is satisfied that arrangements have been made to provide for the interests of the infant”
Births and Deaths Registration Ordinance	First Schedule, Form 1	“(1) Name and Surname, rank or profession;” (of Father)	“(1) Full name, full name at birth (if different), and usual occupation, profession or job;”
	First Schedule, Form 1 First Schedule, Form 2	“(1) Name and Maiden Surname” (of Mother)	“(1) Full name, full name at birth (if different), and usual occupation, profession or job;”
		“(1) Christian and surname of Father; (2) Rank or profession; (3) Christian and Maiden surname of Mother”	“(1) Full name and full name at birth (if different) of father; (2) Full name and full name at birth (if

			different) of mother”
Marriage Ordinance	29(2)	“- (i) under the age of seventeen years, being male; or (ii) under the age of sixteen years, being female”	“under the age of 17 years”
	First Schedule, Form (E)	“Father’s name and surname”	“Full names of parents”
		“Occupation, rank or profession of Father”	-
	First Schedule, Form (F)	“Father’s name and Occupation”	“Full names of parents”
Victims of Offences Ordinance	9(2)	“girl”	“person”
Children Ordinance	5(a)	“, as between father and mother, the father shall not be deemed to have ceased to have the custody of the child by reason only that he has deserted or otherwise does not reside with the mother and the child”	“a parent shall not be deemed to have ceased to have the custody of the child by reason only that he or she has deserted or otherwise does not reside the child”

SCHEDULE 2

NEW SCHEDULE FOR PROBATE AND ADMINISTRATION ORDINANCE

DIVISION OF PROPERTY ON AN INTESTACY

Section 16

If the deceased die leaving

The representatives of the deceased shall take in the following proportions

- | | |
|---|--|
| 1. Husband or wife only | All to husband or wife |
| 2. Husband or wife and child or children | One third of movable property and the whole of any immovable property to the husband or wife, two thirds of movable property to children in equal shares. In the case of deceased children who have left issue such issue shall take equally amongst them their deceased parent's share. |
| 3. Husband or wife and parents | All to husband or wife |
| 4. Husband or wife and sibling(s) | All to husband or wife |
| 5. Mother or father or both | All to mother or father, or to both mother and father in equal shares |
| 6. Mother or father or both, and sibling(s) | All to mother or father, or to both mother and father in equal shares |
| 7. Child(ren) or grandchild(ren) by deceased child(ren) | Amongst children in equal shares, the grandchildren by deceased children taking amongst them their deceased parent's share |
| 8. Brother(s)/sister(s)/nephew(s)/niece(s) | Amongst brothers or sisters in equal shares, the children of deceased brothers or sisters taking amongst them their deceased parent's share |
| 9. Brother(s)/sister(s), grandparent(s) | All to brother(s)/sister(s) |
| 10. Brother(s)/sister(s), uncle(s)/aunt(s) | All to brother(s)/sister(s) |
| 11. Grandparent(s) and no nearer relation | All to grandparent(s) in equal shares |
| 12. Grandparent(s)/uncle(s)/aunt(s) | All to grandparent(s) in equal shares |
| 13. Great-grandparent(s) and no nearer relation | All to great-grandparent(s) |
| 14. Great-grandparent(s), uncle(s)/aunt(s) | All equally |

- | | |
|---|-------------------------|
| 15. Uncle(s)/aunt(s) | All equally |
| 16. Uncle(s)/aunt(s) and deceased uncle
or aunt's child(ren) | All to uncle(s)/aunt(s) |
| 17. Cousins | All equally |