



**Tuvalu**

# **MISSING PERSONS ACT**

**2022 Revised Edition**

**CAP. 22.35**





Tuvalu

## MISSING PERSONS ACT

### Arrangement of Sections

---

#### Section

1	Short title.....	5
2	Interpretation.....	5
3	Cases in which inquiries to be held.....	5
4	Cases in which inquiry need not be held .....	6
5	Reports.....	6
6	Application of Cap. 7.16 to inquiries regarding missing persons .....	7

### Supporting Documents

---

#### ENDNOTES

8





Tuvalu

## MISSING PERSONS ACT

### AN ACT TO PROVIDE FOR INQUIRIES INTO CASES OF MISSING PERSONS<sup>1</sup>

Commencement [1 January 1985]<sup>2</sup>

#### 1 Short title

This Act may be cited as the Missing Persons Act.

#### 2 Interpretation

In this Act “**magistrate**” means —

- (a) a magistrate within the meaning of the Death and Fire Inquiries Act<sup>3</sup>; or
- (b) a person appointed under section 14 of that Act.

#### 3 Cases in which inquiries to be held

- (1) Subject to section 3, an inquiry under this Act shall be held by a magistrate where —
  - (a) a person has been reported to a police officer as missing and the police have not found the missing person within six months after the date of the report; or
  - (b) the magistrate is of the opinion that an inquiry ought to be held; or
  - (c) the Attorney-General directs the magistrate to hold an inquiry under this Act; or
  - (d) a person referred to in subsection (4) requests the magistrate to hold an inquiry under this section.
- (2) The magistrate shall inquire into —

- (a) the cause and circumstances of the disappearance of the missing person; and
  - (b) all matters that will reveal, or are likely to reveal, whether the person is alive or dead; and
  - (c) if the person is alive or likely to be alive — his whereabouts or likely whereabouts at the time of the inquiry.
- (3) Subsections (1) and (2) apply whether the disappearance occurred in Tuvalu or outside Tuvalu.
- (4) The persons entitled under subsection (1)(d) to request an inquiry are —
- (a) the Commissioner of Police;
  - (b) any of the following relatives of the missing person: —
    - (i) his spouse;
    - (ii) his father;
    - (iii) his mother;
    - (iv) his brother;
    - (v) his sister;
    - (vi) his child;
  - (c) a guardian of the missing person.

#### **4 Cases in which inquiry need not be held**

- (1) If at any time after an inquiry under section 3 is required to be held the magistrate is satisfied that no good purpose would be served by holding or continuing the inquiry, he may so advise the Attorney-General, in writing.
- (2) When the magistrate has so advised the Attorney-General he may close the inquiry unless the Attorney General directs otherwise.
- (3) When an inquiry is closed under subsection (2) it shall not be re-opened except by direction of the Attorney-General.

#### **5 Reports**

- (1) After hearing the evidence, the magistrate shall —
  - (a) give his finding in writing signed by him; and
  - (b) forward a copy, together with the depositions, to the Attorney-General; and
  - (c) if the finding is that the missing person is dead and died in Tuvalu - forward a copy to the Registrar-General.

- (2) On receipt of a copy of a finding forwarded under subsection (1)(c), the Registrar-General shall cause the death to be registered under the Births, Deaths and Marriages Registration Act<sup>4</sup>.

## **6 Application of Cap. 7.16 to inquiries regarding missing persons**

For the purposes of this Act —

- (a) a magistrate has all applicable powers under Part II of the Death and Fire Inquiries Act; and
- (b) the provisions of that Part, with any necessary modifications, apply.

## ENDNOTES

---

<sup>1</sup> 1990 Revised Edition, Cap. 13A – Act 12 of 1984

<sup>2</sup> GN 56/84

<sup>3</sup> Cap. 7.16

<sup>4</sup> Cap. 22.10