



Tuvalu

CIVIL REGISTRATION ACT



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Tuvalu

CIVIL REGISTRATION ACT

Act 7 of 2025

AN ACT TO REPEAL THE BIRTHS, DEATHS & MARRIAGE ACT 1968, THE MARRIAGE ACT 1968, AND ALL SUBSIDIARY LEGISLATIONS ENACTED UNDER THESE ACTS; TO MAKE PROVISION FOR THE REGISTRATIONS OF BIRTHS, DEATHS AND MARRIAGES AND FOR MATTERS CONNECTED THEREWITH

PART 1 – PRELIMINARY

1 Short Title

This Act may be cited as the Civil Registration Act 2025.

2 Purpose of this Act

The purpose of this Act is –

- (1) To record, register and verify information relating to births, deaths, marriages, change of name, adoptions and to provide an official record that can be used as evidence of those events and of age, identity, descent, and citizenship; and
- (2) To regulate access to, and disclosure of, information in respect of these matters; and
- (3) To regulate the provision and effect of certificates relating to information recorded in respect of births, deaths and marriages, and.
- (4) To provide a source of demographic information, and information about health, mortality, and other matters important for government.

3 Interpretation

In this Act unless the context otherwise requires:

“birth” means a live-birth and a still-birth;

“burial” means together with all references thereto include cremation and any other lawful mode of disposing of the dead;

“notification of intended marriage” means a notice issued by the Registrar appointed in accordance with the provisions of this Act;

“marriage certificate” means a certificate issued by the registrar in accordance with the provisions of this Act;

“change” means in relation to a name, includes an addition, deletion, or substitution;

“child” means a person under the age of 18 years.

“child born out of wedlock” means a child begotten and born to a woman who was not married from the conception to the date of birth of the child;

“coroner” means a medical examiner or a forensic pathologist;

“deacon” means an approved person in official capacities as needed within the church or equivalent;

“deputy” means the Deputy Registrar-General appointed in accordance with the provisions of this Act;

“deed poll” means a legal deed made and executed by a person to formalize a change of the person’s name;

“disposal” means burial or cremation;

“document” means all written or oral information which includes electronic and digital information;

“event” means a birth, death, marriage, change of name, an adoption, a stillbirth or dissolution of marriage;

“foundling” means a living infant of unknown parentage whose place of birth is where the infant is found and whose date of birth shall be determined by approximation;

“house” means a separate dwelling-house and includes a public institution;

“sland” means the eight atolls of Tuvalu namely Funafuti, Nanumaga, Nanumea, Niutao (including Niulakita), Nui, Nukufetau, Nukulaelae and Vaitupu;

“Legal adoption” means the adoption of a child under the Adoption of Children Act 1986;

“live-birth” means the birth of a child born alive;

“marriage” means the voluntary union between one man and one woman to the exclusion of all others.

“marriage officer” means the Registrar-General, an Island Registrar, a Minister of Religion, and a lay preacher appointed by the Registrar-General under this Act;

“midwife” means a health professional registered under the Health Professionals Act;

“minor” means any person under the age of 18 years old;

“occupier” means in relation to –

- (a) a public institution; the officer responsible for the superintendence of that institution,
- (b) a house, let in separate apartments or lodgings; includes any person residing in the house who is the person under whom the lodgings or separate apartments are immediately held or his agent;

“office” means the Civil Registry Office;

“public institution” means a prison, lock-up or hospital and such other public or charitable institution as may be prescribed;

“public service” has the same meaning given in section 2(1) of Schedule 1 to the Constitution.

“qualified informant” means in relation –

- (a) to any birth and death, a mother, father, guardian, registrar, nurse, medical officer, health officer and pastor,
- (b) to a marriage, a person on whom a duty is imposed to give information concerning the marriage;

“Island Registrar” in relation to any birth or death or marriage means the registrar of births, deaths and marriages appointed in accordance with the provisions of this Act;

“Registrar” means the Registrar-General of Births, Deaths and Marriages appointed in accordance with the provisions of this Act;

“Registry” means the office of the Registrar-General and the office of an Island Registrar;

“Relative” means a person related by blood, marriage or affinity.

“seal” means the Registrar General’s Seal under section 10 and includes an e -seal.

“still-born child” means a baby born with no signs of life at or after 28 weeks gestation.

“Tuvaluan” means a citizen of Tuvalu.

4 Recording or altering of information pursuant to this Act

- (1) Information shall not be recorded under this Act except as expressly provided in this Act.
- (2) Information recorded under this Act or a former Act shall not be removed or altered except as expressly provided in this Act.

PART 2 – ADMINISTRATION

5 Appointment of Registrar-General of Births, Deaths and Marriages

The Attorney-General shall be the Registrar-General unless the Minister appoints any other public officer to exercise the powers and perform the duties conferred or imposed by or under this Act or any other Act on the Registrar-General.

6 Functions of the Registrar

The functions of the Registrar are:

- (a) to establish and maintain the Register, and
- (b) to administer the registration system established by this Act and ensure that it operates efficiently, effectively, and economically; and
- (c) to ensure that this Act is administered in the best way calculated to achieve its objectives in a cost effective manner.
- (d) the Registrar may in writing delegate to any person appointed under section 7 any of the powers of the Registrar under this Act, other than this power of delegation.

7 Civil Registry Office

- (1) The Registrar-General's Office shall be known as the Civil Registry Office and is hereby established.
- (2) The Office shall comprise of the following –
 - (a) Deputy Registrar-General;
 - (b) Registration Officer of Funafuti; and
 - (c) Registration Officer for the remaining islands.
- (3) The Registrar-General shall appoint a Deputy Registrar-General and the Deputy shall exercise the power and duties of the Registrar under this Act.

8 Appointment of the Island Registrars

- (1) The Secretary for each Island Kaupule shall be the Island Registrar unless the Registrar by notice appoint any other person to be the Island Registrar of births, deaths and marriages for each island.
- (2) The Registrar acting on the advice of the Island Registrar may appoint an assistant Island Registration Officer as he may see fit.

9 Registration of Ministers of Religion and appointment of lay preachers

- (1) A minister of religion or equivalent making an application to the Registrar for registration to solemnise marriages, the Registrar may enter the minister's name in a register kept for that purpose.
- (2) The head of a religious denomination may apply to the Registrar on behalf of a lay preacher and the Registrar may appoint the lay preacher to be a marriage officer.
- (3) The Registrar may at any time remove a minister's name from the register and may at any time cancel any appointment made under subsection (2).
- (4) A list of ministers and lay preachers registered and appointed to solemnise marriages under this Act shall be published by notice in the month of January of each year and shall be kept posted at each island Registry.
- (5) Ministers and lay preachers registered and appointed to solemnise marriages under any law in force prior to the coming into operation of this Act shall be deemed to be duly registered or appointed, as the case may be, under this Act.

10 Office of the Island Registrar

- (1) Every Island Registrar shall have an office in the island for which he is appointed and shall be the office of the Kaupule.
- (2) The office of every Island Registrar shall be opened to the public during the official working hours of the Public Service.
- (3) The office of every Island Registrar shall be indicated by a notice in such form as the Registrar may require placed on the outer door of such office.

11 The Registrar-General's seal

- (1) The Registrar shall have a seal marked – “Registrar-General of Births, Deaths and Marriages, Government of Tuvalu” -
- (2) A certificate or any document issued under the authority of the Registrar shall be sealed by the seal of the Registrar accompanied by the signature of the Registrar.
- (3) The seal of the Registrar shall constitute the validity of the document issued by the Registrar and shall be conclusive evidence for any purposes.

12 Custody of registers

- (1) The Registrar shall provide to each Island Registrar –
 - (a) such number of strong fire-resisting boxes as may be required to store the registers; and
 - (b) a sufficient number of registers in the prescribed form.

- (2) The Registrar may consider using digital or electronic mediums for the storing of information recorded under this Act.

13 Registers open to public, and Registrar to issue certificate of any entry

- (1) The Registers to be kept under this Act or any former Act shall at all reasonable time be open to the public for search on payment of the prescribed fee.
- (2) The Registrar shall, on the application of any person and on payment of the prescribed fee, issue certificates of any entry made to it in the said registers.

14 Ceasing to hold office of the Island Registrar

- (1) When any person ceases to hold the office of Island Registrar, all documents in possession as holder of that office shall be handed over to his successor, or, if there is no successor, to such person as the Registrar may designate.
- (2) Where any person who has in his custody or power any such documents as aforementioned, - wilfully fails to deliver or account for it to the satisfaction of the person in whose custody it should be, shall be liable to a fine of \$200, and, if the failure continues after he is convicted thereof, - he shall be guilty of a further offence and be liable to a fine of \$50 for every day on which the failure continues.
- (3) Where a Magistrate is satisfied by information on oath that there is reasonable cause to believe that any document withheld held in contravention of the provisions of this section, is in any specified house or place; he may grant a search warrant authorising any police officer named therein to enter and search that house or place at any time and seize any such document found, and any such document found shall be delivered to the person in whose custody it should be.

PART 3 – REGISTRATION OF BIRTHS

15 Compulsory registrations of births in Tuvalu

- (1) Every birth in Tuvalu shall be registered.
- (2) Notwithstanding sub section (1), where a living new born child is found abandoned pursuant to section 18 and no information as to the place of birth is available, the birth shall be registered for the island in which the child was found.
- (3) The following persons shall be qualified to give information concerning a birth –
 - (a) the father or the mother of the child;
 - (b) any person present at the birth;

- (c) any person occupying at the time of the birth any part of the house wherein the child was born and having knowledge of the child having been born in the house;
- (d) any medical practitioner or midwife in attendance after the birth and having personal knowledge of the birth having occurred;
- (e) any person having charge of the child.

16 Births outside Tuvalu

A child born outside Tuvalu and not registered in the country of birth, and either one or both parents are Tuvaluan, the birth shall be registered by the Registrar after consultation with the Minister responsible, and on production to him an order of a late registration made pursuant to sections 19 and 20.

17 Registration of births

- (1) For every birth in Tuvalu, it shall be the duty of either parent to register the birth of any child.
- (2) Where the parents are not able to register the birth in subsection (1), a qualified informant may register the birth in the same manner and form as the parents would have registered the birth.
- (3) Where the registrar receives from any qualified informant before the expiration of 6 months from the date of birth of any child or from the date a foundling is exposed, in the case of an alleged still-birth where certificate issued under section 29 is delivered, he shall immediately register the birth and the particulars, if not previously registered, in the prescribed form and manner without payment of any fee from the informant.
- (4) Where after the expiration of 6 months and before the expiration of 12 months from the date of the birth of any child or from the date a foundling is exposed, the birth has not been registered; the birth shall be registered, in the prescribed form and payment of the prescribed fee.
- (5) This section shall not apply if before the expiration of the said period and before the birth has been registered, an inquest is held at which the child is found to have been still-born.

18 Foundling

- (1) Any person who finds any living new born child, it shall be his duty to inform the Registrar to the best of his knowledge and belief before the expiration of 30 days from the date the child was found, such information of the particulars required to be registered concerning the birth of the child.

- (2) Subject to subsection (1), the Registrar may by notice in writing require any qualified informant –
- (a) to attend personally at the registrar's office before such date as may be specified in the notice; and
 - (b) to give information to the best of that person's knowledge and belief of the particulars required to be registered concerning the birth to the registrar or to some person designated by him:

Provided that any such notice shall cease to have effect if, before the date specified in the notice and before the person to whom the notice is given complies with it.

19 Application for late registration

- (1) Where after the expiration of 12 months from the date of birth of any child or as from the date a foundling is exposed, or for births outside Tuvalu, any person may make an application for late registration to the registrar in the form set out in the Regulation and pay the prescribed fee.
- (2) The birth shall not be registered except upon an order of a late registration made in accordance with section 20, after paying the prescribed fee.

20 Late registration order

- (1) The Minister shall appoint from among those persons appointed as island Magistrates persons to be known as late registration assessors.
- (2) A late registration assessor may grant a late registration order to the applicant to register the birth of a child.

21 Penalty for improper registration

Any person who registers any birth or causes any birth to be registered in contravention of section 19 shall be liable to a fine of \$1000 and to imprisonment of 2 years.

22 Provision as to father of child born out of wedlock

- (1) In the case of a child born out of wedlock, no person shall claim paternity as the father of such child, except on the written consent of both the mother and the person acknowledging himself to be the father of the child.
- (2) The Registrar shall not enter in the register the name of any person as father of such a child if no written consent of both the mother and the person acknowledging himself as the father of the child has been received for registration.

- (3) After registration of the birth of a child born out of wedlock, 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, the Registrar shall enter in the register, the particulars of both parents as required.

23 Certificate of birth

At the time of registering the birth of any child, the Registrar shall if so required by the informant of the birth and upon payment of a fee as may be prescribed, give to the informant a certificate in the prescribed form that he has registered the birth.

24 Application for a change of name

- (1) Any person who has attained the age of 18 years may change his or her forenames or surname by the prescribed form set out in the Regulation.
 - (a) Any person under the age of 18 years may change his or her forenames or surname by the prescribed form set out in the Regulation with the consent of the parents whose names are registered on the Register.
 - (b) Where the consent of either parent cannot be obtained, the Magistrates Court may authorise the registration of name change by issuing the appropriate order.
- (2) Where the name of a person has been changed under subsection (1), the new name shall be registered by an application to the Registrar:
- (3) Subject to section 1, the Registrar shall enter the original entry a memorial of the change of name in the Register without erasing any information on the Register.
- (4) Every certificate issued under this Act there after shall show the name as changed in the name after registration column of the birth certificate.
- (5) An application for a change of name under this section shall be accompanied by the prescribed fee.

25 Registration of change of name by deed poll

- (1) The Registrar may register the change of name proposed under section 24 if in respect of an application for a change of name under this Act, the Registrar is satisfied:
 - (a) to the identity and age of the person whose name is to be changed;
 - (b) that the change of name is not:
 - (i) sought for a fraudulent or other improper purpose
 - (ii) to conceal any criminal convictions; or

- (iii) to conceal any deportation or prohibition of entry into any foreign country;
 - (c) that the proposed name is not and does not contain a prohibited name; and
 - (d) that the requirements of section 2 have been met where the application is in respect of a minor.
- (2) An application for change of name shall be limited to at least 2 times during the life time of the applicant.
- (3) Any application for a further change of name beyond the limit as set out in subsection (2) shall be authorised by the Registrar before the change is executed.

26 Registration of adoptions made in Tuvalu

- (1) Where an adoption order is made under the Adoption of Children Act of 1986, the Registrar of the Court by which the order was made shall send to the Registrar, notice setting forth the following particulars so far as they are known to the Court –
- (a) the names (if any) of the adopted person immediately before the making of the order;
 - (b) the names conferred on the person by the order;
 - (c) the names of the persons who were the parents of the subject of the adoption.
 - (d) whether or not the adoptive parent or parents want the words - ‘adoptive parent’ or -’adoptive parents’^l to appear on the face of birth certificates relating to the person;
 - (e) the date of the order;
 - (f) the name of the court; and
 - (g) such other particulars as may be required by the Registrar.
- (2) The Registrar shall on the receipt of the information under subsection (1) amend such particulars of the registration of a birth by:
- (a) registering the name conferred on the child by the adoption Order in substitution of the name of the child immediately prior to adoption; and
 - (b) registering the name and details of each adoptive parent in substitution of the name and details of the biological or last preceding adoptive parents.
- (3) Notwithstanding subsection (1), an applicant may choose to submit his or her adoption particulars to the Registrar for registration and the Registrar shall verify the information with the Registrar of the Court.

27 Registration of birth after adoption Order where birth not registered

Where a birth has not been registered under this Act or any other former Act but an adoption Order was subsequently made by the Court, the Registrar shall register the adoption as if the birth was registered under this Act or former Act.

28 Provisions of this Part to apply to adoptions prior to commencement of Act

The foregoing provisions of this Part of this Act relating to the registration of particulars as to adopted children shall apply in the case of children in respect of whom orders of adoption under the Adoption of Children Act 1986, or the corresponding provisions of any former Acts, were made at any time before the commencement of this Act, if the Registrar is satisfied as to the truth of the particulars required to be registered.

29 Special provision as to registration of still-birth

- (1) Any qualified informant giving information to the registrar of the particulars required to be registered concerning a still-birth shall upon giving that information either –
 - (a) deliver to the registrar a written certificate that the child was not born alive signed by a medical practitioner or a mid-wife who was in attendance at the birth or who has examined the body of the child; or
 - (b) make a declaration in the prescribed form to the effect that no medical practitioner or mid-wife was present at the birth or has examined the body or that his or her certificate cannot be obtained and that the child was not born alive.
- (2) The Registrar upon registering a still-birth shall:
 - (a) if so required give either to the informant or to the person who has control over, or who ordinarily effects the disposal of bodies at, the place where it is intended to dispose of the child's body, a certificate under his hand in the prescribed form; and
 - (b) upon receiving written notice of the still-birth accompanied by such a certificate as is mentioned in subsection (1)(a) before registering the still-birth give to the person sending the notice a certificate that he has received notice of the still-birth. ;
 - (c) any and any certificate given under this subsection shall be given without fee.
- (3) A registrar by whom a certificate has been given under subsection (2) may upon receiving a satisfactory explanation of any circumstances by reason of which the certificate is not available for the purpose of any law for the time being in force relating to the disposal of the bodies of dead persons, issue on payment of the

prescribed fee, a duplicate thereof either to the person to whom the original certificate was given or to the person effecting the disposal.

PART 4 – REGISTRATION OF DEATHS

30 Compulsory registration of deaths

- (1) Subject to this Part, the death of every person dying in Tuvalu and the cause thereof shall be registered.
- (2) Provided that where a dead body is found and no information as to the place of death is available, the death shall be registered in the Island in which the body is found.

31 Particulars of death required for registration

The particulars of the deceased shall be provided for the purposes of the registration of death.

32 Information concerning death in a house

- (1) Where a person dies in a house, it shall be the duty of –
 - (a) the medical practitioner who completes a Medical Certificate Cause of Death (MCCD);
 - (b) any relative of the deceased person in the district where the death occurred; or in default of such relative;
 - (c) any person present at the death; or, in default of such person;
 - (d) the occupier of the house if he knew of the happening of the death; or in default of such occupier;
 - (e) the person causing the disposal of the body,
 - (f) to give to the registrar, before the expiration of one month from the date of the death, information to the best of his knowledge and belief of the particulars required to be registered concerning the death:
- (2) Provided that —
 - (a) the giving of information by any one qualified informant shall act as a discharge of any duty under this subsection of every other qualified informant;
 - (b) this subsection shall not have effect if an inquest is held on the body or touching the death of the deceased person.

33 Information concerning other deaths

- (1) 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) the medical practitioner who completes a (MCCD);
 - (b) 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;
 - (c) any person present at the death; or, in default of such person;
 - (d) any person finding or taking charge of the body; or, in default of such person; or
 - (e) any person causing the disposal of the body, 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.

34 Entry in register of deaths

- (1) Upon receipt of the information of the particulars of death of any person dying in Tuvalu, the Island Registrar shall enter those particulars in the register of deaths.

35 Registrar's power to require information concerning death

Where from the date of the death or finding of the dead body of any person, the death of that person has, owing to the default of the persons required to give information concerning it, not been registered, the registrar may by notice in writing require any qualified informant to give information to the best of the informant's knowledge and belief of the particulars required to be registered concerning the death to the registrar, or to some person designated by him.

36 Registration of death free of charge before the expiration of 6 months

Upon receipt from any qualified informant, at any time before the expiration of 6 months from the date of the death or finding of the dead body of any person, information of the particulars required to be registered concerning that person's death, the Island Registrar shall register the death and the particulars, if not previously registered, in the prescribed form and manner without any fee from the informant.

37 Registration of death after 6 months

- (1) After the expiration of 6 months from the date of the death or finding of a dead body of any person, the death shall not be registered except with the written authority of the

Registrar, and in such manner and subject to such conditions as may be prescribed, shall be entered in the register.

- (2) When any death is registered under this section upon the giving of information by a qualified informant, that informant shall pay a prescribed fee to the Registrar and, except where the delay was caused by the failure of the registrar to make a requirement under section 36.

38 Certificate of cause of death by medical practitioner

- (1) On the death of any person who has been attended by a medical practitioner, that practitioner shall sign and deliver the Registrar a certificate in the prescribed, stating to the best of his knowledge and belief the cause of death.
- (2) Except when an inquest is held concerning the death of the deceased person, a registrar to whom a certificate of cause of death is delivered under subsection (1), shall enter in the register the cause of death as stated in the certificate together with the name of the certifying medical practitioner.

39 Duty of medical practitioner in case of suspicious death

- (1) Where a medical practitioner is of the opinion that a person who has died under suspicious circumstances, he shall report the death to the Police in the island where the death occurred.
- (2) A medical practitioner under subsection (1) who reports a death to the Police Service, shall not without the direction of the Police Service, issue a notification (MCCD.).

40 Magistrate to notify registrar

- (1) Where a Magistrate is notified of an inquiry of a death under the Death and Fire Inquiries Act, the Magistrate shall:
 - (a) notify the registrar; and
 - (b) if the Magistrate has certified that an inquiry into the death is unnecessary, provide to the registrar such information as the registrar requires for the purpose of registering the death.
- (2) Where a Magistrate has certified that an inquiry into a death is necessary, the registrar shall not register the death until the inquiry has been held.
- (3) After the inquiry into a death has been held, the Magistrate shall notify the Registrar of his findings and provide to the Registrar such information concerning the death as the Registrar requires for the purpose of registering the death.
- (4) On receiving a notification under subsection (3), the Registrar shall in the prescribed form and manner, register the death and the particulars as found at the inquiry, and if

the death has been previously registered. The said particulars shall be entered in the prescribed manner without any alteration of the original entry.

41 Registration of deaths occurring outside Tuvalu

- (1) Where the death of any person has occurred outside Tuvalu, whether before or after the commencement of this section and the death took place -
 - (a) on board a ship licensed pursuant to the Merchant Shipping Act 1988; or
 - (b) on board an aircraft registered pursuant to the Civil Aviation Act 2006; or as the result of any occurrence on board any such aircraft during its operation—

The Registrar may authorise any Island Registrar to register the death.

- (2) The Registrar shall register the death occurring outside Tuvalu in accordance with the provisions of this Act relating to the registration of deaths taking place in Tuvalu so far as those provisions may be complied with in the circumstances: Provided that it shall not be necessary for any person to sign the Register as informant.

42 Certificate as to registration of death

The Registrar upon registering any death in accordance with the provisions of this Act shall issue to the person giving information concerning the death under his hand that he has registered the death, and any certificate given under this section shall be given with the prescribed fee where applicable.

PART 5 – REGISTRATION OF MARRIAGES

43 Compulsory registration of marriage

- (1) Subject to this Part, every marriage solemnised in Tuvalu shall be registered.
- (2) A marriage solemnised in Tuvalu and not registered under a former Act or other law may be registered under this Part.

44 Registration of marriages of Tuvaluans solemnised outside of Tuvalu

- (1) Subject to subsection (4), where a Tuvaluan marries outside of Tuvalu, and is registered in the foreign country in accordance with the laws of the foreign country, the marriage shall be recorded by the Island Registrar upon approval of the Registrar.
- (2) The particulars required for the recording of a marriage under subsection (1) shall correspond with the requirements for registration of marriage under this Part.

- (3) The Registrar may require particulars or evidence of such marriage set out in the Regulation.
- (4) Where satisfied with the particulars provided under subsections (2) and (3), the Registrar record the marriage.

45 Marriageable age

- (1) The minimum marriageable age shall be 18.
- (2) A marriage solemnised between persons either of whom is under the age of 18 shall be void.

46 Marriage of persons under 21

- (1) When either party to an intended marriage, not being a widower or a widow, is under 21 years of age and above 18 years of age, the written consent of both the father and mother shall be required, unless:
 - (a) if one of the parents is dead, or of unsound mind, or absent from the district, the consent of the other parent shall be required; or
 - (b) if both parents be dead, or of unsound mind or absent from the district, the consent of the guardian of such party shall be required.
- (2) Subject to subsection (1) of this section:
 - (a) when a party has no father, mother or guardian, the Registrar-General may, if satisfied after due inquiry that the intended marriage is a proper one, dispense with such consent; or
 - (b) when the person whose consent is required refuses his consent, the Registrar-General may, if satisfied after due inquiry that the refusal is perverse and that it is in the best interests of the party requiring the consent that the intended marriage should take place, dispense with such consent.
- (3) If the person required to signify his consent is illiterate, he shall sign his consent by placing his mark thereto after it has been read over and explained to him by a magistrate or a marriage officer who shall attest the same.

47 Marriages within prohibited degrees

- (1) A marriage shall not be solemnised between two persons who fall within the relationships set out in the Regulation.

Provided always that this section shall not affect the validity of any marriage lawfully solemnised prior to the 13th November 1981 the date of commencement of the Marriage (Amendment) Act 1981 or any marriage solemnised outside Tuvalu, which would but for the passing of that Act have been valid in Tuvalu.

- (2) No marriage officer or any person shall authorize or permit the solemnization or celebration of a proposed marriage of a man and woman under subsection (1).
- (3) Any person who contracts, conspires, aids, abets, solemnizes or celebrates a marriage prohibited under subsection (1) commits an offence and is liable to a fine of \$1000 or to a term of imprisonment of 2 years or to both.
- (4) A person living in a relationship with another person whose relationship falls within the ambit of a prohibited marriage shall not be validated by any laws in any manner or form.

48 Grounds where marriages are void

A marriage is void where:

- (a) at the time of the solemnization of the marriage, a person was lawfully married to another person either under the laws of Tuvalu or of a foreign country;
- (b) the marriage is a prohibited marriage under section 47;
- (c) a party or both parties to the intended marriage is under the minimum marriageable age of 18; and
- (d) is contrary to the procedures for solemnising marriages under this Act.

49 Notice of intended marriage

- (1) Where a marriage is intended to be solemnised under the provisions of this Act, notice of intended marriage in the prescribed form shall be given to the Island Registrar in the island in which the marriage is to take place at least 14 days before the day of the intended marriage.
- (2) The particulars required under subsection (1) shall include:
 - (a) birth details of both parties;
 - (b) addresses;
 - (c) marital status;
 - (d) nationalities;
 - (e) home Island;
 - (f) where applicable, a dissolution of marriage Order of the Court;
 - (g) date of intended marriage; and
 - (h) any other information which the Island Registrar may require specifically for the purposes of determining whether the proposed marriage is a prohibited marriage.

- (3) Every person giving notice of intended marriage under the provisions of subsection (1) shall make a solemn declaration in the prescribed form before the registrar to whom such notice is required to be given.
- (4) The Registrar, may require every person giving notice under the provisions of the section to produce documentary evidence to verify the particulars given or statements made in such notice.

50 Island Registrar to publish notice of intended marriage

Upon receipt of the notice of intended marriage, the Island Registrar shall publish the notice in some conspicuous place in and outside the relevant Registry Office and keep the same so posted up during the 14 consecutive days before the marriage is solemnised under the notice.

51 Notice for marriage after 14 days' notice

- (1) The Island registrar, at any time after the expiration of 14 days and before the expiration of 3 months from the date of the notice under section 50, is satisfied that there is no impediment or lawful objection or any other lawful cause why the intended marriage should not take place, upon payment of the prescribed fee, shall issue under his hand a notice for marriage certificate in the prescribed form to the effect that the notice required under section 50 has been duly given and that the 14 days have elapsed since the date of the posting up of the notice.
- (2) Any person who knowingly and wilfully marries without a certificate for marriage under subsection (1), the marriage of such person shall be null and void.
- (3) The Registrar may waive the requirement for notice for marriage under (1) provided there is satisfactory reasons to do so. This special license may be granted at the Registrar discretion, provided that the following conditions are confirm:
 - i. neither party is in a prohibited relationship;
 - ii. neither party is below the minimum age for marriage; and
 - iii. neither party is already married to someone else.
- (4) A special license issued under (3) shall be accompanied by a fee prescribed under the Regulations.

52 Marriage to be solemnised within 3 months of notice

Any marriage not solemnised within 3 months of the date of the notice, the notice and all proceedings shall be void.

53 Objections to Marriage

- (1) At any time after a notice of an intended marriage has been given, any person may lodge with the Island Registrar an objection to the marriage who may know any just cause why the marriage should not take place.
- (2) An objection shall be made in accordance with the prescribe form set out in the Regulation.
- (3) The objection shall be given to the Island Registrar within 14 days of the publication of the notice.
- (4) Until the objection is withdrawn by the person lodging the objection or has been discharged as provided in section 54, the marriage shall not be solemnised.

54 Discharge of objection

- (1) Upon receiving notice under section 53 of an intended marriage against which he is aware that an objection has been lodged, the Island Registrar shall submit the objection to the Registrar, who shall inquire into the grounds of objection stated in the prescribed form, and if the Registrar decides that those grounds should not prevent the solemnization of the marriage, he shall discharge the objection.
- (2) Where the Registrar decides that the grounds do hold lawful cause to prevent the solemnization of the marriage, a notice for marriage will not be issued in that respect.
- (2) An objection shall be deemed to be discharged after the expiration of three months from the date on which it was lodged unless within that time a notice of the intended marriage has been issued.

55 Vexatious objection

Any person with the exception of intellectually impaired persons, who gives notice of objection to a marriage which is vexatious and without proper cause, shall be liable to a fine of \$200.

56 Witnesses to marriage

- (1) A marriage shall be solemnised in the presence of two witnesses who have attained the age of 18 years and shall sign the notice for marriage.
- (2) The notice for marriage shall be signed by the marriage officer solemnizing the marriage.
- (3) The notice for marriage shall be signed by the persons marrying in the presence of each other.

57 Penalty for solemnize marriage without notice

- (1) A marriage officer shall not solemnize a marriage contrary to the requirements of section 56.
- (2) A marriage officer who contravenes subsection (1) commits an offence and is liable to a fine of \$1000 and imprisonment of 2 years
- (3) Where a marriage officer is convicted under subsection (2), his appointment as a marriage officer shall be revoked.

58 Place, time and form of marriage

- (1) Subject to subsection (2), a marriage may be solemnised in the registry or in a court house before an Island Registrar other than a Minister of Religion or Lay Preacher or any person authorised by the Registrar General, at a time allocated by the Island Registrar.
- (2) A marriage may be solemnised before a Minister of Religion or Lay Preacher at a time allocated by the Minister of Religion or Lay Preacher in the church or other public place in the island which notice for marriage was given.
- (3) Subject to subsection (1) and (2) , such marriage shall take place between persons named in the notice for marriage according to such form and ceremony as they may think fit to adopt, in the presence of at least 2 witnesses and in accordance with the declaration of marriage under section 59.

59 Declaration of marriage

- (1) A marriage officer solemnizing a marriage shall require each of the parties in his presence and in the presence of the witnesses to say to the other

I, AB (name of person), do take you, CD (name of person) to be my lawful wedded wife/husband'

or words as nearly corresponding in a language other than English.

- (2) After the solemnization of the marriage, the marriage officer shall declare the marriage by stating

Pursuant to the powers conferred upon me by the Civil Registration Act, I now pronounce you to be husband and wife.

60 Notice of marriage

- (1) Where a marriage officer solemnises a marriage in accordance with section 59, the marriage officer shall:

- (a) prepare duplicate copies of the notice of marriage in accordance with the prescribed form;
 - (b) require the persons marrying and witnesses to sign the duplicate copies of the certificate notice; and
 - (c) sign the notice.
- (2) The marriage officer shall immediately after the solemnization of the marriage-
- (a) give one of the notices to the persons married; and
 - (b) submit a notice to the Registrar within 7 days of the marriage.

61 Registration of marriage

- (1) On the receipt of a notice of marriage under section 60, the Island Registrar shall register the particulars in the Register.
- (2) Where an Island Registrar fails to comply with subsection (1), he commits an offence and is liable to a fine of \$1000
- (3) The Island registrar may issue marriage certificates upon the approval of the registrar in circumstances where a certificate is required and subject to the payment of the prescribed fee.

62 Change of name and correction of errors in the Marriage Certificate

- (1) Where a person married under this Act has subsequently changed his or her name under this Act, he may apply to the Registrar in the prescribed form to vary the marriage certificate by substituting the changed name with the name recorded in the birth certificate.
- (2) The Registrar, upon production to him of evidence in support of the application pursuant to subsection (1), may authorize such change of name in the Marriage Certificate.

63 Recognition of marriage solemnised in foreign country

- (1) Where a Tuvaluan applies to the Registrar for the recognition of his or her marriage solemnised in a foreign country, he or she shall provide the particulars of the marriage in the prescribed form.
- (2) The particulars to be provided by the person under subsection (1) shall include:
 - (a) an original marriage certificate issued by the marriage authority of the foreign country certifying that the marriage was solemnised;
 - (b) photographs and documentary evidence of the marriage;
 - (c) the local laws of the foreign country where the marriage was solemnised; and

- (d) a certified copy of the certificate of marriage duly translated into the English language by a practicing lawyer, judicial officer or a Head of a Diplomatic Mission.

64 Certain marriages solemnised in foreign country not recognised

A marriage solemnised in a foreign country shall not be recognised as a marriage in Tuvalu if the marriage is:

- (a) between a male and another male;
- (b) between a female and another female;
- (c) not recognised as a lawful marriage under the written laws of the foreign country;
- (d) a customary marriage practiced in the foreign country;
- (e) prohibited relationships in accordance with the Regulation
- (f) of a person under the marriageable age;
- (g) a contract of marriage or any other form of arrangement or understanding shall be void and not recognised under the laws of Tuvalu.

65 Dissolution of marriage to be recorded

Where a Court grants:

- (a) an Order dissolving a marriage; or
- (b) an Order declaring that a party to a marriage is presumed to be dead and that the marriage is dissolved; or
- (c) an Order declaring a marriage to be void, or
- (d) any other Order under the Matrimonial Proceedings Act 1985

The Registrar of the Court shall provide a sealed Order of the Court to the Registrar within seven days of the dissolution.

66 Record of dissolution of marriages outside of Tuvalu

- (1) Subject to subsection (2) if the Registrar is satisfied that a marriage registered under this Act or a former Act or other law has ended as a result of legal process outside of Tuvalu, the Registrar record in the register as part of the information in respect of the marriage that fact and particulars in respect of the relevant legal process.
- (2) Any marriage solemnised outside Tuvalu shall be dissolved in accordance with the legal process of that foreign country.
- (3) For the purposes of subsection (1), the Registrar may require such information in respect of the ending of the marriage and the relevant legal process as in all the circumstances that the Registrar considers necessary.

PART 6 – OFFENCES

67 Offences relating to Island Registrar

An Island Registrar commits an offence if he;

- (a) refuses, or without reasonable cause omits, to register any birth, death or marriage particulars concerning information tendered to him by a qualified informant and which he is required under this Act to Register; or
- (b) fails or neglects to maintain any register in the manner prescribed in this Act; or
- (c) having the custody of any register of births or register of deaths, carelessly loses or injures the register or carelessly allows the register to be injured shall be liable to a fine of \$1000.

68 Penalties for failing to give information

A qualified informant commits an offence if he;

- (a) fails to give information required under this Act of any birth or death or of any foundling found exposed or of any dead body, or wilfully refuses to answer any question put to him by the Island Registrar relating to the particulars required to be registered concerning the birth or death, or, fails to comply with any requirement of the Registrar made thereunder;
- (b) refuses or fails without reasonable excuse to give, deliver or send any certificate, which is required by this Act to be given, delivered or sent;
- (c) being a parent under this Act, fails to give information concerning the birth of his child as required by this Act;
- (d) being a person upon whom a duty to give information concerning a marriage required under this Act, fails to give that information; or
- (e) being a person upon whom a duty to give information concerning a death required under this Act, fails to give that information, shall be liable to a fine of \$1000 for each offence.

69 False statements as to births, deaths or marriages

(1) Any person who –

- (a) wilfully makes any false answer to any question put to him by any registrar relating to the particulars required to be registered of any birth or death, or of any living new-born child found exposed or of the finding of a dead body, or wilfully gives to any Registrar any false information concerning the aforesaid matters;

- (b) wilfully makes any false certificate or declaration under or for the purposes of this Act or knowing or having reason to believe such certificate or declaration to be false, uses the same as genuine;
 - (c) wilfully makes gives or uses any false statement or declaration as to a child born alive or having been still-born, or as to disposal of the body of a deceased person or a still born child, or falsely pretends that any child born alive was still-born;
 - (d) makes any false statement with intent to have the same inserted in any register of births or deaths or marriages, shall be liable to a fine of \$1000 and to imprisonment for 2 years.
- (2) A prosecution for an offence under this section shall not be commenced more than 3 years after the date of the commission of the offence.
- (3) When any particulars relating to any birth, death, marriage or to foundling or to the finding of a dead body are received and the Island Registrar has reason to believe that such particulars are not, or may not be, true, the Island Registrar shall report the matter to the Registrar General, together with his reasons for so believing.
- (4) Where in any proceedings under subsection (1) the court is satisfied that by reason of the offence charged an error of fact or substance has been made in any register, the court may certify to the officer having custody of the register that such error exists and the true facts of the case so far as may have been ascertained by the court and the error may be corrected by that officer in the register by entering in the margin, without any alteration of the original entry, the facts so certified by the court; and such a correction shall be free of charge and the certificate of the court shall be filed separately and maintained and preserved as a supplement to the register to which it relates.

70 Unlawfully solemnising marriage

A person who solemnises a marriage without being qualified, or if qualified so to do, does so without the authority of a notice for marriage, shall be liable to a fine of \$1000 and to imprisonment for 2 years.

71 Marriage before persons not registered as marriage officers

A person who goes through a form or ceremony of marriage with another person knowing that the person solemnising the marriage is not authorised to solemnise the marriage commits an offence and is liable to a fine of \$1000 and to imprisonment for 2 years.

72 Offences relating to issue of notice for marriage

An Island Registrar, who knowingly and wilfully-

- (a) misuses a notice for marriage before the expiration of 14 days from the day on which notice of intended marriage was entered;
- (b) issues a notice for marriage after the expiration of 3 months from the said day; or
- (c) issues a marriage certificate for marriage for which has been forbidden under the procedures for marriage under PART VI of this Act; shall be liable to a fine of \$1000.

73 Marriage of minors

A person, who solemnises, aids or abets the marriage of a person under the age of 18 years, commits an offence and is liable to a fine of \$1000 and to imprisonment for 2 years.

74 Marriage of convenience

- (1) Any person who contracts or otherwise enters into a marriage:
 - (a) knowing or having reason to believe that the purpose of the marriage is to assist one of the parties to the marriage to obtain an immigration advantage; and
 - (b) where any gratification whether from a party to the marriage or another person is offered, given or received as an inducement or reward to any party to the marriage for entering into the marriage, commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 5 years or to both.
- (2) Any person who aids or abets in arranging a marriage between 2 other persons with the intention of assisting one of the parties to the marriage to obtain an immigration advantage, commits an offence and is liable to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 2 years or to both.
- (3) This section shall apply to a marriage entered into by any persons whether in Tuvalu or outside Tuvalu.
- (4) In this section:
 - (a) Gratification 'includes:
 - (i) money or any gift, loan, fee, reward, commission, valuable security or other property or interest in property of any description, whether movable or immovable;
 - (ii) any office, employment or contract;
 - (iii) any payment, release, discharge or liquidation of any loan, obligation or other liability whatsoever, whether in whole or in part; and

- (iv) any other service, favour or advantage of any description whatsoever;
- (b) immigration advantage', in relation to a party to a marriage, means the grant or extension of the validity of any visa, permit or re-entry permit under the Immigration Act of and its respective amendments or the Regulations or any order made for that party or for a child or parent of that party.

75 Source of obtaining document

A person who makes a written or oral statement knowing it is false or being reckless as to whether it is false, for the purpose of obtaining a source document or a copy of a source document or information recorded under this Act, commits an offence and is liable to a fine of \$5,000 or to a term of imprisonment not exceeding 3 years or to both.

PART 7 – MISCELLANEOUS

76 Duty of Island Registrar to send certified copies of entries to Registrar General

- (1) Every Island Registrar shall within every three months, or on such days as may be appointed by the Registrar General, provide entries of births, deaths, and marriages made in the register kept by him.
- (2) Notwithstanding sub-section (1), the Island Registrar shall in the prescribed form certify that there has been no birth, death or marriage registered on his island during that period, deliver to the Registrar General, a certificate to that effect under his hand.

77 Custody of registers

- (1) Every Island Registrar shall keep safely all registers of births, deaths and marriages which are in his custody and, when not in use, the registers shall be kept in the register box provided by the Registrar General for that purpose.
- (2) When a register of births, deaths or marriages is filled, the Island Registrar shall deliver it to the Registrar General.
- (3) The certified copies sent to the Registrar under section 76 and the registers delivered to him under subsection (2) shall be kept in the Civil Registry Office in such order and manner as the Registrar sees fit.

78 Power of Island Registrar to correct errors

- (1) Where the Island Registrar discovers or is informed of an error, omission or misstatement in an entry in a register, subject to any direction by the Registrar, he may correct the error, omission or misstatement after making inquiries to:
 - (a) determine whether a registrable event has occurred;
 - (b) collect details of a registrable event; or
 - (c) ensure that there is a correct record of a registrable event.
- (2) Subject to subsection (3), a correction under subsection (1):
 - (a) in the case of the entry of a birth, shall be made in the presence of and attested by a parent of the child;
 - (b) in the case of the entry of a death, shall be made in the presence of and attested by the person who notified the registrar of the death; and
 - (c) in the case of the entry of a marriage, shall be made in the presence of and attested by the persons who were married.
- (3) Where under subsection (2), the correction may be made in the presence of and attested by 2 witnesses in a statutory declaration who have knowledge of the truth of the correction.
- (4) A correction under this section shall:
 - (a) be made in the margin of the register opposite to the entry;
 - (b) contain a notation of the date on which the correction was made; and
 - (c) be signed by the Island Registrar or any person authorize by the Registrar General
- (5) Where a correction is made under this section, the Island Registrar shall where practicable:
 - (a) advise any person to whom a certified copy or extract of the entry has been issued containing the error, omission or misstatement which has been corrected of the correction; and
 - (b) issue to that person without charge, a certified copy or extract of the entry as corrected, upon request.

79 Searches of indexes kept by the Registrar General

- (1) The Registrar shall cause indexes of all certified copies of entries in registers sent to him under the provisions of this Act or any other laws for the time being in force in Tuvalu to be made and kept in the Civil Registry office.
- (2) Any person shall be entitled to search the said indexes at any time when the Civil Registry Office is open for the purpose to have a certified copy of any entry in the said certified copies on payment of the prescribed fee.

80 Search in registers kept by Island Registrars

Every Island Registrar shall at any time when his office is required to be open for the transaction of public business, allow searches to be made in any register of births, deaths or marriages in his keeping and shall give a copy certified under his hand of any entry therein on payment of the prescribed fee.

81 Access to records for statistical purposes

The Registrar may cause a search to be made or to provide information if the request for the information is made by a person acting on behalf of a government agency or a body or person for the purpose of gathering of statistics or historical or demographic or health research, and —

- (i) information relating to particular individuals is not sought and will not be retained; or
- (ii) if information relating to particular individuals is sought, the Registrar is satisfied that, in causing the search to be made, or providing the information, the public benefit outweighs the effect on individual privacy; or

82 Certificates to be prima facie evidence

A birth, death or marriage certificate shall in any proceedings be received as prima facie evidence of the truth of the information it contains.

83 Electronic Transaction

Any transaction under this Act may be conducted by electronic means subject to the approval of the Registrar General and any conditions that the Registrar General sees fit.

84 Regulations

The Minister may make Regulations for the better implementation of the provisions of this Act and, without prejudice to the generality of the foregoing power, such Regulations may-

- (a) prescribe forms or fees or replace, revoke, vary, or add to any of the forms or fees prescribed by this Act;
- (b) direct by whom and in what manner fees payable under this Act are to be collected and accounted for; and
- (c) provide for the furnishing of information required to be given under this Act.

PART 8 – REPEAL, SAVINGS AND TRANSITIONAL

85 Repeal

The provisions of this Act repeal the following Acts, regulations and amendments.

- (a) Births, Deaths and Marriages Registration Act 1968;
- (b) Births, Deaths and Marriages (Prescription of Forms and Seal) Regulations
- (c) Marriage Act 1968 and any relevant amendments thereto.
- (d) Marriage Amendment Act 2015

86 Savings and transitional

Any registration effected, certificate issued, notice or information given, name change made, adoption, order, regulation or return made or other matters done under the law making provision for the registration of births, deaths and marriages before the commencement of this Act shall continue in force and have effect as if effected, issued, given, made or done under the corresponding provisions of this Act.

