



Tonga

**REGISTRAR GENERAL'S BIRTHS,
DEATHS AND MARRIAGES
REGULATIONS**

Chapter 6.01.02

2020 Revised Edition



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REGISTRAR GENERAL'S BIRTHS, DEATHS AND MARRIAGES REGULATIONS

Arrangement of Regulations

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REGISTRAR GENERAL'S BIRTHS, DEATHS AND MARRIAGES REGULATIONS

*Made by the Registrar General under section 5 of the Births, Deaths and
Marriages Registration Act¹*

Commencement [28 September, 1979]

1 Short title

These Regulations may be cited as the Registrar General's Births, Deaths and Marriages Regulations.

PART I - ORGANISATION

2 Sub-registries

- (1) Every sub-registrar as described in section 2 of the Births, Deaths and Marriages Registration Act shall designate one of his clerks to be the registration clerk.
- (2) He shall notify the name of this clerk to the Registrar General.
- (3) If this clerk is for any reason not available the sub-registrar will designate another clerk to take his place. If the substitution is likely to be for more than one month, the Registrar General must be informed.
- (4) In the Central Registry, which also acts as the sub-registry for Tongatapu, the sub-registrar will be assisted by the Vital Statistics Officer and such clerks as the Registrar General shall direct.

- (5) It shall be the duty of the Vital Statistics Officer to visit each sub-registry at least once every year and to report to the Registrar General on his visit.

3 District and Town Officers

- (1) Town Officers will report to their District Officers on the first day of each calendar month all births and deaths in their town that have come to their notice during the previous month. The report will be made on Form VS3 as in Schedule 3 to the Births, Deaths and Marriages Registration Act.

If no births or deaths have occurred, Form V.S.3 with "none" written on it will be sent.

- (2) (a) Not later than the 15th day of each calendar month District Officers will forward the V.S.3 forms relating to the previous month to the sub-registrar of the area in which their District lies.
- (b) If there is no V.S.3 form from any town the District Officer will give an explanation and state what steps are being taken to obtain the relevant information.
- (c) If a District Officer becomes aware of any birth or death in respect of which there is no entry on a V.S.3 form, he will himself make out a V.S.3 form showing the town in which the event occurred and clearly mark the V.S.3 form "District Officer's Report", and send it with the next lot of V.S.3 forms to the sub-registrar.
- (3) The Vital Statistics Officer will visit District Officers and Town Officers at least once every year and report to the Registrar General on his visit.
- (4) The Vital Statistics Officer shall keep in touch with the Ministry of Health to ensure that the data available from the Ministry is used to check the information provided by sub-registrars.

PART II - STANDING PROCEDURE FOR REGISTRATION OF BIRTHS AND DEATHS

4 Office hours

- (1) All registries shall be open from 8.30 a.m. to 4 p.m. Mondays to Fridays except on official holidays.
- (2) The designated clerk shall be available for the time necessary to register all births and deaths reported in a day. Every effort must be made to ensure that no person wishing to register is sent away without receiving attention.

5 Procedure for registration

- (1) When a member of the public attends at a sub-registry to notify a birth or death he or she will be required to fill in, assisted by the clerk, and sign a registration form in the Form V.S.10 for births and V.S.11 for deaths as in the Schedule to these Regulations.
- (2) After the member of the public has completed the form but before it is signed the clerk shall read the form slowly to the person notifying the event and ask if it is correct. The clerk shall take every possible care to ensure that the form is correct.
- (3) The clerk will then make a copy of the form, sign it, seal it and hand it to the member of the public.
- (4) The original will be filed.
- (5) The original will be copied into the Register and signed by the person notifying.
- (6) The clerk who copies the form into the Register shall initial it.
- (7) When a person reports a death, that person shall be asked if the deceased was attended by a doctor, and, if so, the doctor's name and appointment. The answers to these questions shall be noted on the form.
- (8) When an inquest is ordered, or the Minister of Police notifies a sub-registrar that a prosecution is pending in which some person is accused of causing the death of the deceased, the death shall not be registered until the inquest or trial has been completed. The notifying form shall be filled in and retained until it can be registered.
- (9) Wherever the death of a person is registered and it appears to the sub-registrar that the deceased was not a Tongan subject, an extra copy of the death certificate shall be made and forwarded to the Central Registry with a letter stating the nationality the deceased is believed to have possessed when he or she died.

6 Married woman registering an illegitimate child

- (1) A married woman may not register her child as illegitimate until a Supreme Court order to this effect has been made. Application for such an order may be made in writing supported by affidavits of independent persons as required by section 44 of the Evidence Act.²
- (2) Unless a Judge of the Supreme Court dispenses with the requirement, a copy of the application must be served on the husband of the applicant.
- (3) The Judge of the Supreme Court dealing with the matter may request the Crown Law Office to represent the interests of the infant and may order the husband, wife and any witness to attend for cross examination.

7 Registering overseas births and deaths

Any person who wishes to register the birth or death of a Tongan that has occurred outside the Kingdom must act as follows —

- (1) Produce at or send to the Central Registry the official birth or death certificate of the country in which the event occurred.
- (2) File an affidavit stating —
 - (a) his relationship to or connection with the person the subject of the registration;
 - (b) his grounds for believing that person is or was a Tongan;
 - (c) that he believes the certificate produced to be genuine and its contents true.
- (3) Upon the production of these documents the sub-registrar shall cause the birth or death to be recorded in a special register, unless he doubts the truth of the affidavit.

8 Alterations in the register of births

- (1) Alterations to a register of births are only to be made on the written authority of the Registrar General.
- (2)
 - (a) Any person wishing to effect an alteration in a register of births other than an alteration of the surname of the person whose birth is recorded must file an affidavit to which shall be exhibited the birth certificate which it is designed to alter.
 - (b) The affidavit shall set out the entry it is proposed to substitute for the entry exhibited.
 - (c) The affidavit shall state the reasons as far as known why a wrong entry was originally made.
- (3) The applicant shall supply any additional information that the Registrar General may require.
- (4) The Registrar General may, if he considers it in the interest of the applicant and in the public interest, order re-registration, which shall be done in the current register and cross-indexed with the original.
- (5) Where an alteration is required by reason of clerical error on the register, the alteration may be made by writing the correct entry over the original in red ink. The original entry shall not in any way be defaced. Before making a red ink correction a Registrar or Sub-Registrar shall be consulted.³
- (6) Alterations of names for reasons other than adoption, legitimation or clerical error shall only be made in accordance with the Registrar General's (Change of Name) Regulations 2011.⁴

9 Amendments to the register of deaths

- (1) Such amendments will only be made on the written order of the Registrar General.
- (2) Applications shall be made as in regulation 8(2) and 8(3). Alterations ordered shall be made as in regulation 8(4) and 8(6)(b).

10 Adoption

- (1) When an adoption order is made the original entry in the Birth Register will not be altered in any way except by adding in red the letters 'AD' and the number of the adoption order.
- (2) When a birth certificate is required it will be issued in the "adopted" form. A certificate in the original form will not be issued without the written authority of the Registrar General.
- (3) Certificates in the "adopted" form will only be issued out of the Central Registry.
- (4) Information contained in adoption files will not be given to any person except on the written authority of the Registrar General.
- (5) Adoption files will be kept in a secure place under the personal control of the Registrar of the Supreme Court.

11 Legitimation

- (1) Evidence required for registration —
 - (a) where both parents wish to register their child as legitimate the following evidence will be required by the sub-registrar concerned —
 - (i) the birth certificate of the person to be legitimated;
 - (ii) the Marriage Certificate of his parents;
 - (iii) an affidavit sworn by each parent deposing to the fact that he or she was not married to a third person when the person to be legitimated was born;
 - (iv) that the father of the person to be legitimated was domiciled in Tonga at the date of marriage.
 - (b) Where only one parent wishes to register the birth as legitimate —
 - (i) if the entry in the register shows the father's name then the same documentation as in (1)(a) above, save that it shall only be necessary to depose to the best of the knowledge and belief of the person registering that the other parent was unmarried at the date of birth;

- (ii) if the entry in the register does not show the father's name, then, in addition to the documents required by paragraph (1)(b)(i) above, the Court Order establishing the paternity.
- (2)
 - (a) The sub-registrar shall verify that the application is made within 3 months of the marriage.
 - (b) If it is not within 3 months he shall require the payment of a fee of 50 seniti before re-registering.
- (3) Any person applying under section 9 of the Legitimacy Act⁵ shall annex to his petition on filing it —
 - (a) an affidavit showing that he is domiciled in Tonga; such affidavit shall contain the following information to the best of knowledge and belief —
 - (i) his present place of residence;
 - (ii) how long he has been there;
 - (iii) how long he intends to stay there;
 - (iv) his place of birth;
 - (v) any periods spent in foreign countries;
 - (vi) does he own any land in Tonga;
 - (vii) does he own a house in Tonga;
 - (viii) where his family, if any, lives;
 - (ix) the place of residence of his father at the time of his birth; or,
 - (b) the claim to personal or real estate in Tonga as mentioned in section 9(1) of the Legitimacy Act, identifying the estate and giving brief particulars of the grounds on which he claims.

Re-registration

- (4) Re-registration shall take place in the following manner —
 - (a) the original registration shall not be altered but shall be monitored with a red 'L' and the date of legitimation;
 - (b) the re-registration shall be made as soon as possible in the current birth register;
 - (c) the re-registration shall follow precisely the terms of the original registration save that —
 - (i) the child's surname shall be entered as that of the father;
 - (ii) legitimate shall be substituted for illegitimate;
 - (iii) the father's name shall be entered if it does not already appear.
 - (d) The re-registration shall have a reference in red ink to the original entry.

12 Red ink notes

Red ink notes made under regulation 11 shall not be copied onto birth certificates.⁶

13 Transfer of birth registration⁷

- (a) All applications to transfer a birth registration from the non-Tongan to the Tongan Register shall be submitted to the Registrar General.
- (b) Application to register a Tongan birth where the applicant has been registered as a national of a country other than Tonga shall be submitted to the Registrar General.
- (c) Such transfer of registration or new registration shall be made only on the written order of the Registrar General.

14 Affidavit in support of transfer of birth registration⁸

- (a) Applications under the preceding regulation shall be in writing addressed to the Registrar General.
- (b) Such application shall be supported by an affidavit sworn by the applicant stating —
 - (i) the place and date of birth of the applicant;
 - (ii) the place and date of birth of the applicant's mother and father if known;
 - (iii) the place or places where the applicant's birth was registered and the reasons why;
 - (iv) the reasons why the applicant considers his birth should be registered in the Tongan Register.
- (c) Where possible the birth certificates of the applicant and his parents and any other supporting documents shall be exhibited to the affidavit.

15 Alterations to register of Marriages or to a Marriage certificate⁹

- (a) Alterations to a register of marriages and/or to a marriage certificate are only to be made on the written authority of the Registrar General.
- (b) Applications shall be made in conformity with the procedure as in regulations 8(2) and 8(3) of the Registrar General's Births and Deaths Regulations. Alterations shall be made in conformity with regulations 8(4) and 8(6)(b) of the said Regulations.

16 Guardianship¹⁰

- (1) Where a Guardianship Order is made in accordance with the Guardianship Act 2004, the original entry in the Registry shall not be altered in any way except by adding in red letters "G.O" and the number and date of the Order.
- (2) Any application for a change of the name of a child who has been made the subject of a Guardianship Order shall be made by the appointed guardians under the provisions of the Registrar General's (Change of Name) Regulations 2011.

SCHEDULE

Form V.S.10

LESISITA FA'ELE

BIRTH REGISTRATION

Hingoa 'o e Tamasi'i
Name of Child

Fa'ele'i 'i fe
Place of Birth

Fa'ele'i 'anefe
Date of Birth

Tangata pe Fefine
Sex

Tamai
Father's Name

Fa'ele'i 'i fe
Place of Birth

Fa'e mo e Ta'umotu'a
Mother's Name & Age

Fa'ele'i 'i fe
Place of Birth

Tama Mall pe 'Ikai
Legitimate or Illegitimate

Tohinima 'o e Lesisita
By whom registered
(Mata'itohi Lahi) Capitals

Fakamo'oni Hingoa
Signature

Fakamo'oni (initials) 'a e
Kalake Tauhi Lekooti
Initials of Clerk Recording

Form V.S. 11

LESISITA PEKIA

DEATH REGISTRATION

Hingoa 'o ia kuo pekia	.....
Name of Deceased	
Na'e pekia 'i fe	.....
Where Death Occurred	
Na'e Pekia 'Anefe	.....
Date of Death	
Tangata pe Fefine	.....
Sex	
Ta'u 'o e Pekia	.....
Age	
Kohai na'e malanga	.....
Clergyman (Officiating)	
Na'e mali pe 'ikai	.....
Married or Single	
Fiha 'ene Fanau	.....
Number of children	
Fiha kei mo'ui	.....
Number still living	
'Aho 'o e Lesisita	.....
Date of Registration	
Hingoa 'o e Tamai	.....
Name of Father	
Hingoa 'o e Fa'e	.....
Name of Mother	
Tupu'anga 'o e Mate	.....
Cause of Death or Symptom	
Hingoa 'o e Toketa kapau na'e 'i ai ha toketa	.....
Name of Doctor attending if any	
Tohi Fakamo'oni 'o e IAsisita	.....
Name of person notifying death	
Fakamo'oni (initials) 'a e	.....
Kalake Tauhi Lekooti	.....
Initials	of Clerk Recording

ENDNOTES

¹ 1988 Revised Edition – G.S. 123/1979, G.S. 3/1985, Act 46 of 1988

Amending Gazettes after 1988

Amending Gazettes	Commencement
GS 1/1995	5 January 1995
GS 4/1997	10 July 1997
GS 3/2011	25 May 2011

² Cap 07.21

³ Substituted by GS 3/2011

⁴ Substituted by GS 3/2011

⁵ Cap.17.12

⁶ Amended by Act 46 of 1988

⁷ Inserted by GS 1/1995

⁸ Inserted by GS 1/1995

⁹ Inserted by GS 4/1997

¹⁰ Inserted by GS 3/2011