

*Commencement: 21 June 1971*

**LAWS OF THE REPUBLIC OF VANUATU  
REVISED EDITION 1988**

**CHAPTER 61**

**CIVIL STATUS (REGISTRATION)**

JR 17 of 1970  
JR 40 of 1975  
Act 33 of 1981

**ARRANGEMENT OF SECTIONS**

**SECTION**

**PART I  
General**

1. Application
2. Interpretation

**PART II  
Registration Centres**

3. Registrar-General of Civil Status
4. District Registrars
5. Registrar to be supplied with premises and equipment
6. Registers of births, marriages and deaths
7. Entries in registers to be handwritten
8. Register of Civil Status
9. Registrar to deliver registers and records to successor or replacement
10. Form and contents of entries in registers
11. Entries limited to requirements of Act
12. Entries to be read to declarant
13. Transcription on register of judicial and administrative decisions
14. Amending entries in respect of children's names
15. Registrar-General may order amendment and cancellation of erroneous entries
16. Registrar-General to prepare and send to registrars certified copies of transcriptions and amendments
17. True copies of entries may be obtained from registrars or Registrar-General

**PART III  
Registration**

18. Registration of births
19. Contents of entries of births

20. Discovery of newborn child to be declared
21. Recording birth and death of child
22. Registration of acknowledgements
23. Registration of marriages
24. Registration of dissolution and nullification of marriage
25. Registration of deaths
26. Registration of foetal deaths
27. Death certificate to accompany declaration of death or foetal death
28. Discovery of dead body to be declared
29. Death in private or public institution to be declared
30. Late declarations

**PART IV  
Late Declarations**

31. Late registration committees
32. Form of late declaration
33. Particulars to be entered following decision of late registration committee
34. One entry only for each late declaration
35. Recording declarations of events which occurred before commencement of Act

**PART V  
Penalties**

36. General penalty
37. Penalty for non-compliance with section 9
38. Penalty for altering register
39. Other penalties

**PART VI  
Miscellaneous Provisions**

40. Fees for copies or extracts from register
41. Entries in central register to be official records

SCHEDULE - Form A-Registration of birth  
Form B-Registration of acknowledgement  
Form C-Registration of marriage  
Form D-Declaration prior to marriage  
Form E-Registration of dissolution and nullification of marriage  
Form F-Registration of death  
Form G-Registration of foetal death

---

**CIVIL STATUS (REGISTRATION)**

To provide for the registration of the births, acknowledgements, deaths and marital status of persons.

## **PART I GENERAL**

### **APPLICATION**

1. The registration of the births, acknowledgements, deaths and marital status of persons shall be conducted according to the provisions of this Act.

### **INTERPRETATION**

2. In this Act, unless the context otherwise requires -

"civil status" means as appropriate the family relationship, birth, marital status and death of any person;

"death" means the complete disappearance of all evidence of life at any time after live birth has taken place, that is to say, the post-natal cessation of vital functions without capability of resuscitation;

"foetal death" means death prior to the expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy, death being indicated by the fact that after such separation, the foetus does not breathe or show any other evidence of life, such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles;

"Minister" means the Minister responsible for home affairs.

## **PART II REGISTRATION CENTRES**

### **REGISTRAR-GENERAL OF CIVIL STATUS**

3.
  - (1) A Registrar General having an office in Port Vila, shall be responsible for the maintenance and verification of the Central Register of Civil Status in accordance with the provisions of this Act, and generally for the administration of this Act.
  - (2) There shall be appointed one or more persons as Assistant Registrar General. The Registrar General may in any case where he is prevented by any cause from the exercise of his powers or the performance of his duties delegate the same to an Assistant Registrar General.

## **DISTRICT REGISTRARS**

4. (1) The Minister shall appoint district Registrars for Civil Status and their appointments shall be notified in the Gazette.
- (2) The instrument of appointment of a district Registrar for Civil Status shall declare the district within which he may register matters of civil status.
- (3) The Minister may subdivide registration districts and appoint one or more Sub-Registrars for each sub-district so created.

## **REGISTRAR TO BE SUPPLIED WITH PREMISES AND EQUIPMENT**

5. Each Registrar and Sub-Registrar shall be supplied with the premises and equipment necessary for such purposes.

## **REGISTERS OF BIRTHS, MARRIAGES AND DEATHS**

6. Births, acknowledgements, deaths, foetal deaths, marriages, dissolutions and nullification's of marriage shall be entered in the order in which they are declared in 3 separate registers as provided hereafter, by the Registrar or Sub-Registrar -
  - (a) a register for births and acknowledgements;
  - (b) a register for marriages and dissolution and nullification of marriages; and
  - (c) a register for deaths and foetal deaths.

## **ENTRIES IN REGISTERS TO BE HANDWRITTEN**

7. (1) Every entry in these registers shall be written out by hand with a ball-point pen in the appropriate form prescribed by the Schedule.
- (2) When the entry is made by a Sub-Registrar, he shall make 1 handwritten copy, which shall be the original copy, and 3 carbon copies. The original copy and 1 carbon copy shall be sent to the Registrar of the district who shall forward the original to the Registrar-General and shall retain the carbon copy. In addition, the Sub-Registrar shall immediately deliver 1 carbon copy to the declarant and the other shall be retained in the register.
- (3) When the entry is made by a Registrar he shall make 1 handwritten copy, which shall be the original copy, and 2 carbon copies. The original copy shall be sent to the Registrar-General. 1 carbon copy shall be delivered immediately to the declarant, and the other shall be retained in the register of the Registrar.

## **REGISTER OF CIVIL STATUS**

5. On receipt of such original copy the Registrar-General shall authenticate and number it consecutively, and file it in numerical order in the Central Register. This Register shall be the official Register of Civil Status. The Registrar-General shall, as necessary, prepare certified copies of each page of the Central Register and distribute them to the Registrar or Sub-Registrar concerned and to the Director of Statistics. On receipt of such certified copies, the Registrar and Sub-Registrar shall file them in numerical order and shall destroy the corresponding carbon copies.

## **REGISTRAR TO DELIVER REGISTERS AND RECORDS TO SUCCESSOR OR REPLACEMENT**

9. Any Registrar or Sub-Registrar who, for any reason, ceases temporarily or permanently to exercise his functions shall deliver the register and records held by him to his successor or replacement. An inventory shall be made of them and a report shall be made of the delivery to the Registrar-General.

## **FORM AND CONTENTS OF ENTRIES IN REGISTERS**

10. (1) Entries in the registers shall be in the appropriate forms prescribed by the Schedule and shall state -
  - (a) the year, the month, the day and the hour of the entry;
  - (b) the surname, first names and office of the registering officer;
  - (c) in respect of other persons mentioned in the entry, their surnames and first names, their date and place of birth, where known, and their occupation and place of residence.
- (2) There shall also be stated, where known -
  - (a) the father, mother and child, in the case of registration of birth or acknowledgement;
  - (b) the husband and wife in the case of registration of marriage;
  - (c) the deceased in the case of registration of death;
  - (d) the formerly married persons in the case of registration of dissolution or nullification of marriage;
  - (e) the witnesses in the case of registration of marriage, of dissolution or nullification of marriage, and of acknowledgement.

- (3) The surnames and first names aforesaid shall include, as far as possible, in the case of ni-Vanuatu, the family name, the Christian name, if any, and the Melanesian individual name, in that order.

#### **ENTRIES LIMITED TO REQUIREMENTS OF ACT**

11. (1) No entry in a register shall contain, either by annotation or in any other form, anything further than that required by this Act to be declared.
- (2) Erasures and insertions shall be approved by the Registrar or Sub-Registrar and signed by him. Nothing shall be written in abbreviated form and dates must be recorded fully in words. Blanks shall be filled with a straight line. Any alteration of writing in the register is prohibited.

#### **ENTRIES TO BE READ TO DECLARANT**

12. (1) The entry in the register shall be read to the declarant and the witnesses. It shall be translated if necessary.
- (2) The entry shall be signed by the Registrar or Sub-Registrar, the declarant and the witnesses. Any reason which may prevent a declarant or a witness from signing shall be noted at the bottom of the entry. Any such person shall place his finger print under the notation.

#### **TRANSCRIPTION ON REGISTER OF JUDICIAL AND ADMINISTRATIVE DECISIONS**

13. Judicial and administrative decisions affecting the civil status of persons to whom this Act applies shall be transcribed by the Registrar-General on the appropriate register. The Registrar-General shall send certified copies thereof to the Registrar and, where appropriate, the Sub-Registrar.

#### **AMENDING ENTRIES IN RESPECT OF CHILDRENS' NAMES**

14. Where the birth of any child has been declared before the child has received a name, or the name by which the birth of any person has been declared has been altered, the Registrar-General may, upon the application of the parent or guardian of the child, or of the person himself, and after such enquiry as may be necessary, enter in the register, without cancelling the original entry, the name given to the child, or the alteration in the name, as the case may be.

#### **REGISTRAR-GENERAL MAY ORDER AMENDMENT AND CANCELLATION OF ERRONEOUS ENTRIES**

15. Amendment or cancellation of erroneous entries in the register may be ordered by the Registrar-General upon request from the persons concerned or from a Registrar or Sub-Registrar concerned.

#### **REGISTRAR-GENERAL TO PREPARE AND SEND TO REGISTRARS CERTIFIED COPIES OF TRANSCRIPTIONS AND AMENDMENTS**

16. The Registrar-General shall prepare certified copies of all transcriptions, marginal notes and amendments, and shall send them to the Registrar and the Sub-Registrar concerned who shall file them with the certified copies held by them of the original entry in the register.

#### **TRUE COPIES OF ENTRIES MAY BE OBTAINED FROM REGISTRARS OR REGISTRAR-GENERAL**

17. (1) Any person may obtain from the Registrar of a district or the Registrar-General a true copy of the entries concerning himself in any register. Such copies shall be issued in the same form as the registered entries and shall bear the seal and signature of the Registrar or the Registrar-General and the date of issue. Marginal notes shall be included.
- (2) Administrative and judicial authorities may obtain issue of the same documents.
- (3) Extracts from any entry may also be issued at the request of any person concerned, by the Registrar of a district or the Registrar-General.

### **PART III REGISTRATION**

#### **REGISTRATION OF BIRTHS**

18. (1) All births shall be declared within a period to be prescribed for each area by Order made by the Minister, by -
- (a) the father or mother of the newborn child; or
  - (b) a member of the family; or
  - (c) the doctor, midwife, or medical officer who was present at the birth; or
  - (d) the person at whose house the birth took place; or
  - (e) the village chief, local leader or clergyman; or
  - (f) any person having knowledge of the birth.

- (2) Any birth not declared within the prescribed time shall be made the subject of a late declaration under the provisions of Part IV.

### **CONTENTS OF ENTRIES OF BIRTHS**

19. (1) The entry of a birth in a register shall state -
- (a) the date, time and place of the birth, the sex of the child, any Christian first names and the individual Melanesian name to be given the child; and
  - (b) the name, age, occupation, place of residence, date and place of birth, the parentage of the father and mother and the relationship of the declarant.
- (2) In the case of an illegitimate child, if both or either of the parents is not named to the registering officer, no reference to such parent shall be noted on the register.

### **DISCOVERY OF NEWBORN CHILD TO BE DECLARED**

20. Any person who finds a newborn child must declare it to the Registrar or Sub- Registrar of the place where the discovery is made and he shall enter in his register the particulars of the birth so far as they are known.

### **RECORDING BIRTH AND DEATH OF CHILD**

21. When a child is dead at the time the declaration is made, the registering officer shall record the birth and the death in the appropriate registers.

### **REGISTRATION OF ACKNOWLEDGEMENTS**

22. Any acknowledgements of an illegitimate child must be consented to by a known parent and, if neither parent is known, of the person who has brought up the child. If the illegitimate child is more than 18 years old, his consent is also necessary. Acknowledgement by the father or mother, or both, will be effected by their making a formal declaration and signing the entry in the register within 30 days of the birth. Any acknowledgement not made within the said period shall be made the subject of a separate registration of acknowledgement. The acknowledgement of an illegitimate child shall be entered in the register on the date it is made and a marginal note shall be made of it on the entry in the register of the birth of the child.

### **REGISTRATION OF MARRIAGES**

23. (1) A declaration of marriage shall be made within a period to be prescribed by the Minister by Order, to the Registrar or Sub-Registrar concerned who shall enter the particulars in his register of marriages in accordance with the form prescribed therefor by the Schedule.

- (2) Any marriage not declared within the prescribed time shall be made the subject of a late declaration under the provisions of Part IV.
- (3) A family booklet, the contents of which shall be prescribed by the Minister by Order, shall be given to the married persons.

### **REGISTRATION OF DISSOLUTIONS AND NULLIFICATIONS OF MARRIAGE**

24. Every lawful dissolution or nullification of marriage shall be declared within a period to be prescribed by the Minister by Order to the Registrar or Sub-Registrar concerned, who shall make an entry in the appropriate register. Every such entry shall state the measures taken for the care of any children born of such marriage.

### **REGISTRATION OF DEATHS**

25. (1) Every death shall be declared to the Registrar or Sub-Registrar of the place where it has occurred within a period to be prescribed by the Minister by Order by -
  - (a) a member of the family of the deceased who was present at the time of death or who had attended the deceased shortly beforehand;
  - (b) any other member of the family, the owner or occupant of the building in which the death occurred, any medical officer or any other person, in particular any village chief, local leader or clergyman, who has knowledge of the death and full and accurate particulars of the civil status of the deceased, as far as possible.
- (2) Every entry in the register of a death by a Registrar or Sub-Registrar shall state -
  - (a) the civil status of the deceased as fully as possible;
  - (b) the date, time and place of death; and
  - (c) the civil status of the declarant.

### **REGISTRATION OF FOETAL DEATHS**

26. (1) Every foetal death shall be declared to the Registrar or Sub-Registrar of the place where it has occurred within a period to be prescribed by the Minister by Order by -
  - (a) the mother, or if she is unable to do so, the father or any member of the family of the mother who was present or attended the mother at or about the time of the separation;

- (b) any other member of the family, the owner or occupant of the building in which the separation occurred, any medical officer or any other person, in particular any village chief, local leader or clergyman, who has knowledge of the foetal death.
- (2) Every entry in the register of a foetal death by the Registrar or Sub-Registrar shall state -
- (a) the civil status of the mother as fully as possible;
  - (b) the date, time and place of the foetal death;
  - (c) the age and sex of the foetus, if known;
  - (d) the civil status of the declarant.

#### **DEATH CERTIFICATE TO ACCOMPANY DECLARATION OF DEATH OR FOETAL DEATH**

27. In the case of every death or foetal death where the deceased or the mother was attended by a medical officer, the declaration to the Registrar or Sub-Registrar shall be accompanied by a certificate as to the cause of death signed by such medical officer. In any other case of death or foetal death, the Registrar or Sub-Registrar may, if he thinks fit, require the production of a certificate as to the cause of death signed by a medical officer.

#### **DISCOVERY OF DEAD BODY TO BE DECLARED**

28. When any dead body is discovered, a declaration giving as far as possible the particulars required by section 10, shall be made to a Registrar or Sub-Registrar of the district by the person finding or taking charge of the body.

#### **DEATH IN PRIVATE OR PUBLIC INSTITUTION TO BE DECLARED**

29. Every death which occurs in a medical institution, prison or public or private institution shall be declared without delay to the Registrar or Sub-Registrar of the district where the death occurred by the director or person responsible for such establishment.

#### **LATE DECLARATIONS**

30. Any death which is not declared within the prescribed time shall be made the subject of a late declaration under the provisions of Part IV.

### **PART IV LATE DECLARATIONS**

## **LATE REGISTRATION COMMITTEES**

31. (1) The Minister may establish in each district, or in any subdivision of a district, one or more committees responsible for verifying the accuracy of late declarations.
- (2) Each committee shall consist of a chairman appointed in accordance with the following provisions of this subsection and two members chosen from a panel of persons appointed for the purpose by the District Commissioner. The chairman shall be a District Commissioner or Assistant District Commissioner, the Registrar-General or an Assistant Registrar-General or any other person or member of a class of persons nominated by the Minister. Each committee shall reach its decisions by majority opinion.
- (3) The Committees shall receive applications for late registration from the Registrar or any Sub-Registrar of the district or from the persons concerned. They shall hear the evidence of any person called by the applicant or by the committee to give sufficient proof of the alleged facts. They shall, if satisfied thereof, order the entry of the particulars in the appropriate register. They may for this purpose make any enquiry they think necessary.
- (4) In the case of oral evidence, the averment of two adult witnesses shall be considered sufficient proof, provided that they have first sworn an oath administered by the chairman, who is hereby empowered for that purpose. The administration of such oath shall be recorded in the report of the committee.
- (5) A copy of an entry issued by any church which maintains registers of births, deaths and marriages or dissolution or nullification of marriages shall be considered sufficient evidence provided that the date of the event recorded is shown on the register and that the copy is certified as correct by the minister of religion who keeps the registers.

## **FORM OF LATE DECLARATION**

32. (1) A late declaration may be made by any person authorised to declare a birth, death or marriage under the provisions of this Act. It may be made either to the Registrar or Sub-Registrar or to the late registration committee of the district. It may be made in writing or verbally. In the latter case, the authority receiving the declaration shall make a written report of it, which must be signed by the authority and the declarant.
- (2) Every declarant shall state, as fully as possible, its object and the supporting evidence. Notwithstanding the foregoing provisions of this Act, a person not less than 15 years of age may himself make a late declaration of his birth. For persons less than 15 years of age, the declaration may be made by any person, in addition to the persons specified in section 18, who is at the time responsible for the child.

## **PARTICULARS TO BE ENTERED FOLLOWING DECISION OF LATE REGISTRATION COMMITTEE**

33. (1) Following the decision of the late registration committee, the Registrar or Sub-Registrar shall enter the particulars of the birth, marriage or death in the appropriate register and shall send the original copy of the entry to the Registrar-General in accordance with the provisions of section 7.
- (2) The Registrar-General shall authenticate the original copy and file it according to its date in the register for the year in which the event took place.

## **ONE ENTRY ONLY FOR EACH LATE DECLARATION**

34. (1) Only 1 entry shall be made for a birth, death or marriage declared late. In order to prevent the duplication of entries of the same event, every Registrar or Sub-Registrar who has received such a late declaration shall satisfy himself by enquiry from the Registrar of the district where the event is alleged to have taken place, that registration thereof has not already been effected.
- (2) Registration effected in this manner shall be subject to the same provisions as any other registration of civil status.

## **RECORDING DECLARATIONS OF EVENTS WHICH OCCURRED BEFORE COMMENCEMENT OF ACT**

35. Declarations of events which occurred before the commencement of this Act shall be recorded summarily in a single register, classified in years.

## **PART V PENALTIES**

### **GENERAL PENALTY**

36. Any person who contravenes a provision of this Act commits an offence and where no other penalty is provided for in this Act shall be liable on conviction to a fine not exceeding VT20,000 or imprisonment not exceeding 2 years or both such fine and imprisonment.

### **PENALTY FOR NON-COMPLIANCE WITH SECTION 9**

37. (1) Any Registrar or Sub-Registrar who refuses to comply with the provisions of section 9 for the delivery of registers and records, shall be liable to a fine not exceeding VT10,000. In the case of continued refusal after a first conviction he shall be liable to a fine not exceeding VT50,000 or to imprisonment for a term not exceeding 3 months or to both such fine and imprisonment.

- (2) If the Court having jurisdiction believes that any article withheld in contravention of the provisions of this section is in any house or place, it may grant a search warrant authorising the person named therein to search that house or place at any time and to seize such article. Such article shall be delivered to the person lawfully entitled to the custody thereof.

### **PENALTY FOR ALTERING REGISTER**

38. Any person who shall unlawfully alter any writing in a register shall be liable to a fine not exceeding VT250,000 or to imprisonment for a term not exceeding 5 years or to both such fine and imprisonment.

### **OTHER PENALTIES**

39. Any person who -
- (a) is required by the provisions of this Act to declare a birth, acknowledgement, finding of a child, death, foetal death or discovery of a dead body, and who fails to do so without valid reason;
  - (b) when required to do so by a Registrar or Sub-Registrar, refuses to furnish information concerning such an event, or knowingly gives incomplete or false information;
  - (c) having declared a birth, acknowledgement, finding of a child, foetal death, a marriage, a dissolution or nullification of marriage, a death or the discovery of a dead body, makes or attempts to make another declaration relative to the same event other than an application for amendment, but containing different information as to place, date, or the identity of the persons concerned or their relationship;
  - (d) knowingly uses or attempts to use a falsified copy of an entry in the register or a copy of an entry prepared from wilfully false information;

shall be liable to a fine not exceeding VT100,000 or to imprisonment for a term not exceeding 2 years or to both such fine and imprisonment:

Provided that it shall be deemed to be a valid reason upon a charge under paragraph (a) if the person charged had reasonable cause to believe that such declaration had been made by another person.

## **PART VI MISCELLANEOUS PROVISIONS**

### **FEEES FOR COPIES OR EXTRACTS FROM REGISTER**

40. Entries in any registers shall be made free of charge. A fee may be charged when copies or extracts are issued, the amount of which shall be prescribed by the Minister by Order.

**ENTRIES IN CENTRAL REGISTER TO BE OFFICIAL RECORDS**

41. Entries in the Central Register shall be taken to be official records of the events set forth therein. The same shall apply to certified copies or extracts thereof.

-----  
**SCHEDULE**

**THE REGISTERS**

**FORM A**

REPUBLIC OF VANUATU  
REPUBLICQUE DE VANUATU  
CIVIL STATUS ACT, CAP. 61

REGISTRATION OF BIRTH  
ACTE DE NAISSANCE  
LOI RELATIVE A L'ETAT  
CIVIL, CH. 61

(sections 18 and 19)

(article 18, 19)

INFORMATION		CHILD ENFANT	FATHER PÈRE	MOTHER PÈRE	DECLARANT	For use of Registrar- General Réservé au Conservateur de l'état civil
1.	Family name or surname (underline) Nom de famille (souligner) Christian or first name Prénom Individual Melanesian name Nom individuel Mélanésien					
2.	Sex Sexe					
3.	Locality and island of birth Localité et ile de naissance					

4.	Hour and date of birth. If not known state age in years Heure et date de naissance ou âge si elle n'est pas connue					
5.	Occupation Profession					
6.	Locality and island of usual place of residence Localité et ile du domicile					
7.	Names of father and mother Nom du père et de la mère					
8.	Relationship of the mother to father of child Lien entre le père et la mère de l'enfant					
9.	Multiple birth: Total issue born (a) alive Naissance multiple, Nombre total nes (a) vivants					
10.	Remarks Observations					

-----

[Subsidiary]

### **SUBSIDIARY REGULATION**

### **CIVIL STATUS (TIME FOR MAKING DECLARATIONS) REGULATION**

Joint Rules 39 of 1975

To prescribe the time within which civil status declarations shall be made.

Every civil status declaration shall be made to the Registrar or a Sub-Registrar of the place where it has occurred within the appropriate period thereafter as follows -

deaths	7 clear days
births	21 clear days
Marriages	21 clear days
foetal deaths	21 clear days
acknowledgements	30 clear days

---

[Subsidiary]

**SUBSIDIARY LEGISLATION**

**CIVIL STATUS (REGISTRATION) FEES REGULATION**

Order 50 of 1987

To prescribe the fees payable for the issue of copies and extracts of entries in the civil status registers.

**FEES**

The fees payable in respect of -

- (a) the issue of copies; and
- (b) the issue of extracts

of entries in the civil status registers of matters set out under column I in the Schedule shall be at the rates specified against such matters under column II of the Schedule.

---

**SCHEDULE**

<b>COLUMN 1</b>	<b>COLUMN II</b>
<b>PARTICULARS</b>	<b>FEES IN VT</b>
1. Extract from birth certificate	40
2. Extract from death certificate	40
3. Extract from marriage certificate	50
4. True copies of civil status documents	100
5. Publication of marriage, notice of publication of banns and declaration (marriage entry inclusive)	1,000

-----