

Version  
as at 28 October 2021



## **Births, Deaths, Marriages, and Relationships Registration Act 1995**

Public Act      1995 No 16  
Date of assent    31 March 1995  
Commencement    see section 1(2)

Act name: substituted, on 24 January 2009, by section 5(1)(a) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

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#### **Note**

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**This Act is administered by the Department of Internal Affairs.**

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**Title** *[Repealed]*

Title: repealed, on 24 January 2009, by section 4 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

**1 Short Title and commencement**

- (1) This Act may be cited as the Births, Deaths, Marriages, and Relationships Registration Act 1995.
- (2) This Act shall come into force on 1 September 1995.

Section 1(1): amended, on 24 January 2009, by section 5(2) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

## **Part 1 Preliminary**

### **1A Purpose**

The purposes of this Act are—

- (a) to require the recording and verification of information relating to births, deaths, marriages, civil unions, name changes, adoptions, and sexual assignments and reassignments, so as to provide—
  - (i) a source of demographic information, and information about health, mortality, and other matters important for government; and
  - (ii) an official record of births, deaths, marriages, civil unions, and name changes that can be used as evidence of those events and of age, identity, descent, whakapapa, and New Zealand citizenship; and
- (b) to regulate access to, and disclosure of, information recorded in respect of these matters; and
- (c) to regulate the provision and effect of certificates relating to information recorded in respect of births, deaths, marriages, civil unions, and name changes.

Section 1A: inserted, on 24 January 2009, by section 6 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

### **2 Interpretation**

In this Act, unless the context otherwise requires,—

**adopted person** means a person information (not being information derived from an adoption order that has been discharged) relating to whom has been recorded under section 24 or section 25, or under a corresponding provision of a former Act or a former Adoption Act

**adoption information** means information relating to an adoption; and, in relation to any adoption, means information relating to that adoption

**approved information sharing agreement** and **information sharing agreement** have the meanings given to them by section 138 of the Privacy Act 2020

**birth** includes a still-birth; but does not include a miscarriage

**birth certificate** means a document—

- (a) issued by, and signed or sealed by or stamped with the seal of, a Registrar; and
- (b) containing registered birth information;—

and, in relation to any person, means a birth certificate containing registered birth information relating to the person's birth

**birth information** means information relating to a birth; and, in relation to any birth, means information relating to that birth

**body** means a dead person; but does not include a dead foetus

**celebrant** means, as the case requires,—

- (a) in relation to a marriage, a person who is a marriage celebrant under the Marriage Act 1955; and, in relation to a marriage solemnised by a celebrant, means the celebrant who solemnised it; and
- (b) in relation to a civil union, a person who is a civil union celebrant under the Civil Union Act 2004; and, in relation to a civil union solemnised by a celebrant, means the celebrant who solemnised it

**Chief Archivist** means the person holding that office under the Public Records Act 2005

**child** includes a still-born child

**civil union certificate** means—

- (a) a document that is issued by, and signed or sealed by or stamped with the seal of, a Registrar, and that contains registered civil union information; and
- (b) in relation to any civil union, means a civil union certificate containing registered civil union information relating to that civil union

**civil union information** means information relating to a civil union; and, in relation to any civil union, means information relating to that civil union

**computer system** means any system of computers, or computers and terminals,—

- (a) used for storing information recorded under this Act or a former Act; and
- (b) accessible by the Registrar-General or a Registrar; and
- (c) under the control of—
  - (i) the Registrar-General or a Registrar; or
  - (ii) a person (other than the Registrar-General or a Registrar) who has the function of managing, on behalf of the Registrar-General, information recorded under this Act or a former Act

**coroner's authorisation**, in relation to a body, means an authorisation by a coroner under section 42 of the Coroners Act 2006 for the release of the body

**dead foetus** means a foetus that, whether or not the umbilical cord had been severed or the placenta had detached, at no time after issuing completely from its mother breathed or showed any other sign of life (such as beating of the



heart, pulsation of the umbilical cord, or definite movement of the voluntary muscles)

**death** does not include a miscarriage or a still-birth

**death certificate** means a document—

- (a) issued by, and signed or sealed by or stamped with the seal of, a Registrar; and
- (b) containing registered death information;—

and, in relation to any person, means a death certificate containing registered death information relating to the person's death

**death information** means information relating to a death; and, in relation to any death, means information relating to that death

**Deputy Registrar-General** means a Deputy Registrar-General appointed under section 80(1)

**Director-General of an intelligence and security agency** has the meaning given to it by section 4 of the Intelligence and Security Act 2017

**disposal**, includes burial and cremation; and **to dispose of** has a corresponding meaning

**doctor** means a health practitioner who is, or is deemed to be, registered with the Medical Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of medicine

**document** means a document in any form; and includes any photograph, film, negative, tape, or other device in which 1 or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced; and **documentary** has a corresponding meaning

**Family Court** means the division of the District Court known, in accordance with section 4 of the Family Court Act 1980, as the Family Court

**foreign registration authority** means an authority constituted in a State outside New Zealand that has the function of recording information relating to name changes or deaths within that State

**former Act** means the Births and Deaths Registration Act 1951 or the Marriage Act 1955 or any Act relating to the registration of births and deaths or marriages that was repealed before 1 September 1995

**former Adoption Act** means the Infants Act 1908 or the Maori Land Act 1931 or the Maori Affairs Act 1953 or any Act relating to the adoption of children that was repealed before 1 September 1995

**hospital** means a hospital care institution within the meaning of section 58(4) of the Health and Disability Services (Safety) Act 2001

**index** includes part of an index

**intelligence and security agency** has the meaning given to it by section 4 of the Intelligence and Security Act 2017

**marriage** means a marriage solemnised under the Marriage Act 1955 or a former Act; and includes a service marriage

**marriage certificate** means a document—

- (a) issued by, and signed or sealed by or stamped with the seal of, a Registrar; and
- (b) containing registered marriage information;—

and, in relation to any marriage, means a marriage certificate containing registered marriage information relating to that marriage

**marriage information** means information relating to a marriage; and, in relation to any marriage, means information relating to that marriage

**medical** includes psychological and surgical

**midwife** means a health practitioner who is, or is deemed to be, registered with the Midwifery Council established by section 114(3) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of midwifery

**Minister** means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

**miscarriage** means the issue from its mother, before the 21st week of pregnancy, of a dead foetus weighing less than 400 g

**name change certificate** means—

- (a) a document—
  - (i) issued by, and signed or sealed by, or stamped with the seal of, a Registrar; and
  - (ii) containing registered name change information; and
- (b) in relation to a person, a document within the meaning of paragraph (a) that contains registered name change information relating to each of the person's name changes

**name change information** means information relating to a name change; and, in relation to any name change, means information relating to that name change

**New Zealand** includes the Ross Dependency

**non-disclosure direction** means a direction made by the Registrar-General on a request under section 75A(2)(b) that a person's birth information, marriage information, civil union information, or name change information not be disclosed to the public

**occupier**, in relation to any premises, means the person for the time being in charge of them

**prescribed fee** includes a fee calculated or ascertained in accordance with regulations made under this Act

**Privacy Commissioner** means the Privacy Commissioner holding that office under section 13 of the Privacy Act 2020

**record** includes to cause to be recorded

**register** means that a Registrar records (in a manner authorised by the Registrar-General) information under this Act, a former Act, or a former Adoption Act

**Registrar** means a person for the time being holding office under section 81(1); and includes the Registrar-General and every Deputy Registrar-General

**Registrar-General** means the Registrar-General appointed under section 79(1) and includes every Deputy Registrar-General

**service marriage** has the meaning given to it by section 2 of the Marriage Act 1955

**source document** means a document (other than a register) that—

- (a) contains information recorded under this Act or a former Act; and
- (b) is accessible by the Registrar-General or a Registrar; and
- (c) is under the control of—
  - (i) the Registrar-General or a Registrar; or
  - (ii) a person (other than the Registrar-General or a Registrar) who has the function of managing, on behalf of the Registrar-General, information recorded under this Act or a former Act; or
  - (iii) the Chief Archivist

**standard form** means the relevant form issued by the Registrar-General under section 87B

**still-birth** means the issue from its mother of a still-born child

**still-born child** means a dead foetus that—

- (a) weighed 400 g or more when it issued from its mother; or
- (b) issued from its mother after the 20th week of pregnancy

**unavailable** means dead, unknown, missing, of unsound mind, or unable to act by virtue of a medical condition

**working day**, in relation to the office of the Registrar-General or a Registrar, means any day of the week on which the office is open for business; but does not include a Saturday.

Compare: 1951 No 22 s 2

Section 2 **approved information sharing agreement** and **information sharing agreement**: inserted, on 22 August 2017, by section 11 of the Enhancing Identity Verification and Border Processes Legislation Act 2017 (2017 No 42).

Section 2 **approved information sharing agreement** and **information sharing agreement**: amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Section 2 **celebrant**: substituted, on 26 April 2005, by section 38(1) of the Civil Union Act 2004 (2004 No 102).

Section 2 **Chief Archivist**: amended, on 21 April 2005, by section 67(1) of the Public Records Act 2005 (2005 No 40).

Section 2 **civil union certificate**: inserted, on 26 April 2005, by section 38(2) of the Civil Union Act 2004 (2004 No 102).

Section 2 **civil union information**: inserted, on 26 April 2005, by section 38(2) of the Civil Union Act 2004 (2004 No 102).

Section 2 **coroner's authorisation**: inserted, on 24 January 2009, by section 7(3) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 2 **coroner's order**: repealed, on 24 January 2009, by section 7(1) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 2 **delivery**: repealed, on 7 July 2010, by section 4 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2010 (2010 No 49).

Section 2 **Director-General of an intelligence and security agency**: inserted, on 28 September 2017, by section 246(2) of the Intelligence and Security Act 2017 (2017 No 10).

Section 2 **Director of Security**: repealed, on 28 September 2017, by section 246(1) of the Intelligence and Security Act 2017 (2017 No 10).

Section 2 **doctor**: substituted, on 18 September 2004, by section 175(1) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Section 2 **doctor's certificate**: repealed, on 31 January 2018, by section 11 of the Burial and Cremation Amendment Act 2016 (2016 No 74).

Section 2 **Family Court**: replaced, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 2 **foreign registration authority**: inserted, on 24 January 2009, by section 7(3) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 2 **funeral director**: repealed, on 24 January 2009, by section 7(1) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 2 **give a doctor's certificate**: repealed, on 24 January 2009, by section 7(1) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 2 **hospital**: substituted, on 1 October 2002, by section 58(1) of the Health and Disability Services (Safety) Act 2001 (2001 No 93).

Section 2 **index**: substituted, on 28 July 1997, by section 4(2) of the Births, Deaths, and Marriages Registration Amendment Act 1997 (1997 No 35).

Section 2 **intelligence and security agency**: inserted, on 28 September 2017, by section 246(2) of the Intelligence and Security Act 2017 (2017 No 10).

Section 2 **midwife**: substituted, on 18 September 2004, by section 175(1) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Section 2 **name change certificate**: inserted, on 24 January 2009, by section 7(3) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 2 **name change information**: inserted, on 24 January 2009, by section 7(3) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 2 **non-disclosure direction**: inserted, on 22 August 2017, by section 11 of the Enhancing Identity Verification and Border Processes Legislation Act 2017 (2017 No 42).

Section 2 **Privacy Commissioner**: inserted, on 24 January 2009, by section 7(3) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 2 **Privacy Commissioner**: amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Section 2 **record**: inserted, on 24 January 2009, by section 7(3) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 2 **register**: substituted, on 24 January 2009, by section 7(2) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 2 **source document**: inserted, on 24 January 2009, by section 7(3) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 2 **standard form**: inserted, on 24 January 2009, by section 7(3) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 2 **to record**: repealed, on 24 January 2009, by section 7(1) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

### **3 Act binds the Crown**

This Act binds the Crown.

### **4 No information to be recorded or altered except in accordance with Act**

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

Section 4: substituted, on 24 January 2009, by section 8 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

## **Part 2 Births**

### **5 Births in New Zealand to be notified and registered**

Every birth in New Zealand shall be notified and registered in accordance with this Part.

Compare: 1951 No 22 s 6(1)

#### **5A Preliminary notice of birth**

- (1) A preliminary notice must be given in accordance with this section for each birth in New Zealand.
- (2) If a birth takes place during or immediately before the mother's admission to hospital, the occupier of the hospital must give the preliminary notice.
- (3) If a birth does not take place during or immediately before the mother's admission to hospital, the preliminary notice must be given by—
  - (a) a doctor, if he or she is present at the birth; or

- (b) a midwife, if he or she is present at the birth but a doctor is not present;  
or
  - (c) the occupier of premises where the birth takes place or where the mother is admitted immediately after the birth, if neither a doctor nor a midwife is present.
- (4) A preliminary notice is given by completing, signing, and giving the standard form preliminary notice to a Registrar within 5 working days after the birth.
- (5) The Registrar-General must notify the Director-General of Health of all stillbirths for which a preliminary notice has been given.

Section 5A: inserted, on 24 January 2009, by section 9 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

## 6 Births outside New Zealand

Except as provided in sections 7(2) and 8 and Part 4, no birth outside New Zealand shall be registered.

## 7 Foundlings

- (1) A person who—
- (a) believes that a child in the person's charge is recently born and was found abandoned in New Zealand; and
  - (b) is not satisfied that a Registrar has been notified of the child's birth—
- shall as soon as is practicable tell a Police employee, who shall notify the Registrar-General.
- (2) As far as it is practicable to do so, the Registrar-General shall register the birth of all children of whose finding the Registrar-General is notified under subsection (1).

Compare: 1951 No 22 s 16

Section 7(1): amended, on 1 October 2008, by section 130(1) of the Policing Act 2008 (2008 No 72).

## 8 Births on New Zealand aircraft or ships

Any person may notify to the Registrar-General, and the Registrar-General may cause to be registered, as if it had occurred in New Zealand, any birth that occurred outside New Zealand on an aircraft registered in New Zealand under the Civil Aviation Act 1990 or a New Zealand ship (within the meaning of the Maritime Transport Act 1994) or an aircraft or ship of the armed forces (within the meaning of the Armed Forces Discipline Act 1971).

Compare: 1951 No 22 s 15A

Section 8: amended, on 7 July 2010, by section 5 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2010 (2010 No 49).

## **9 Parents primarily responsible for notifying birth**

- (1) Both parents of a child born in New Zealand must, as soon as is reasonably practicable after the birth,—
  - (a) jointly notify a Registrar of the birth in accordance with this Act; and
  - (b) in the case of a child born on or after 1 January 2006, inform the Registrar whether or not, to the best of their knowledge, either or both of the child's parents are New Zealand citizens or persons entitled, under the Immigration Act 2009, to be in New Zealand indefinitely.
- (2) However, a Registrar may accept the form signed by only 1 parent if he or she is satisfied that—
  - (a) the child has only 1 parent at law; or
  - (b) the other parent is unavailable; or
  - (ba) it is not reasonably practicable to obtain the other parent's signature because—
    - (i) he or she is overseas; and
    - (ii) he or she cannot be contacted within a period of time that is reasonable in the circumstances; or
  - (c) requiring the other parent to sign the form would cause unwarranted distress to either of the parents.
- (3) A person who is not a child's parent must not notify a Registrar of the child's birth and is not capable of doing so except as provided in sections 7, 8, and 10.
- (4) For the purposes of this section, a child has 1 parent at law if—
  - (a) the child is born as a result of a woman acting alone in a situation described in section 20(1) or 22(1) of the Status of Children Act 1969; and
  - (b) the donor of the ovum, embryo, or semen (as the case may be) for the pregnancy does not become the partner of the woman after the time of conception but before the birth is notified for registration.

Section 9: substituted, on 24 January 2009, by section 10 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 9(1)(b): amended, at 2 am on 29 November 2010, by section 406(1) of the Immigration Act 2009 (2009 No 51).

Section 9(2)(ba): inserted, on 7 July 2010, by section 6 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2010 (2010 No 49).

## **10 Guardian or authorised person may notify birth**

A guardian of a child other than a parent, or a person authorised by the Registrar-General to notify the birth, may notify a Registrar of the child's birth if—

- (a) both parents have failed or refused to do so; or

(b) the child's parent has failed or refused to do so (if section 9(2) applies).

Section 10: substituted, on 24 January 2009, by section 10 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

## 11 Manner of notification of birth

- (1) Subject to subsection (3), a person notifying a Registrar of a birth shall do so by completing and signing the standard form and giving, sending, or posting it to the Registrar.
- (2) Subject to subsection (3), a person who completes and signs the standard form and posts it to the Registrar shall be deemed to do so at the time the form would be received by the Registrar in the normal course of post.
- (3) Where—
  - (a) any person has notified a Registrar of a birth by completing and signing the standard form and sending or posting it to a Registrar; but
  - (b) it has not arrived or has been lost or destroyed,—

a Registrar may authorise the person, or any other person required by section 9(1) or authorised by section 10 to notify a Registrar of the birth, to do so as if the form had never been sent or posted; and in that case the person concerned may do so.

Compare: 1951 No 22 s 11

Section 11(1): amended, on 24 January 2009, by section 46 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 11(2): amended, on 24 January 2009, by section 46 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 11(3)(a): amended, on 24 January 2009, by section 46 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

## 12 Registration of births

- (1) Unless authorised by the Registrar-General to register births, a Registrar who is notified of a birth in New Zealand shall, to the extent that the information given is information required by the standard form (and subject to section 12A), send it to the Registrar-General or to a Registrar specified by the Registrar-General (as the Registrar-General for the time being directs).
- (2) Subject to sections 12A, 14 to 16 and 82,—
  - (a) a Registrar (being a Registrar authorised by the Registrar-General to register births) who—
    - (i) is notified of a birth in New Zealand; or
    - (ii) has been sent birth information under subsection (1)—shall, to the extent that the information given is information required by the standard form, register it; and



- (b) if sent birth information under subsection (1), the Registrar-General shall, to the extent that it is information required by the standard form, register it.
- (3) Every still-birth shall so be registered that the fact that the birth is a still-birth can clearly be ascertained.

Section 12(1): amended, on 24 January 2009, by section 46 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 12(1): amended, on 21 April 2005, by section 16 of the Citizenship Amendment Act 2005 (2005 No 43).

Section 12(2): amended, on 21 April 2005, by section 16 of the Citizenship Amendment Act 2005 (2005 No 43).

Section 12(2)(a): amended, on 24 January 2009, by section 46 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 12(2)(b): amended, on 24 January 2009, by section 46 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

## **12A Record of citizenship**

- (1) If a Registrar is satisfied that a person born on or after 1 January 2006 is a New Zealand citizen by birth in terms of section 6 of the Citizenship Act 1977, the Registrar must record the person's citizenship status as part of the child's birth information.
- (2) If the chief executive or other appropriate officer of the department for the time being responsible for the administration of the Citizenship Act 1977 informs a Registrar that a person born on or after 1 January 2006 is a New Zealand citizen by birth, the Registrar must record that citizenship status as part of the child's birth information.
- (3) In deciding for the purposes of subsection (1) whether or not a person is a New Zealand citizen by birth, a Registrar must have regard to the following information, if available:
- (a) information provided by any guardian or parent of the person:
  - (b) any birth information registered under this Act or a former Act about the parents or parent of the person:
  - (c) information about the citizenship status or immigration status of the person or the parents or parent of the person:
  - (d) whether or not the parents or parent have immunity from jurisdiction under the Diplomatic Privileges and Immunities Act 1968 or the Consular Privileges and Immunities Act 1971, or are enemy aliens.

Section 12A: inserted, on 21 April 2005, by section 16 of the Citizenship Amendment Act 2005 (2005 No 43).

Section 12A(1): amended, on 7 July 2010, by section 7(1) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2010 (2010 No 49).

Section 12A(2): amended, on 7 July 2010, by section 7(1) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2010 (2010 No 49).

Section 12A(3)(b): substituted, on 7 July 2010, by section 7(2) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2010 (2010 No 49).

### **13 Registration of certain still-births**

- (1) This section applies to every still-birth that occurred after 24 July 1991 and before the commencement of this Act.
- (2) Subject to subsection (3), a still-birth to which this section applies is registrable to the same extent, and in the same manner, as if it had occurred after the commencement of this Act.
- (3) Nothing in subsection (2) requires any person to notify a Registrar of a still-birth to which this section applies.

Compare: 1951 No 22 s 7

Section 13(3): amended, on 7 July 2010, by section 8 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2010 (2010 No 49).

### **14 Maori custom marriages**

- (1) No Registrar shall include in the registered birth information any information relating to a Maori custom marriage entered into after 31 March 1952.
- (2) All registered information relating to a Maori custom marriage shall so be recorded that the fact that the marriage is a Maori custom marriage can clearly be ascertained.

### **15 Registration of parents' details**

- (1) A Registrar who is authorised by the Registrar-General to register births must register, as part of the birth information of a child, information about the identity of—
  - (a) the child's parents if the information is on the standard form signed by both parents; or
  - (b) a parent of the child if the information is on the standard form signed by the parent and accepted under section 9(2).
- (2) The Registrar-General must register or direct a Registrar who is authorised by the Registrar-General to register births to register, as part of the birth information of a child, information about the identity of a parent of the child if—
  - (a) the form is accepted under section 9(2)(b) or (c), the information relates to a person who has not signed the form, and the Registrar-General is satisfied that the person is a parent of the child; or
  - (b) the information relates to the child's father, and—
    - (i) the Family Court or the High Court has declared the man to be the child's father; or
    - (ii) the Family Court has made a paternity order declaring the man to be the child's father; or

- (iii) the man has been appointed or declared a guardian of the child under section 19 or 20 of the Care of Children Act 2004; or
  - (c) the parent requests, in writing, his or her details to be included and the Registrar-General is satisfied that either or both of the following apply:
    - (i) the person is a parent of the child:
    - (ii) the other parent does not dispute the accuracy of the information.
- (3) For the purposes of this section and section 15A, the only information recorded under this Act or a former Act in respect of an adopted person's birth is the information originally recorded.

Section 15: substituted, on 24 January 2009, by section 11 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 15(2)(b)(i): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 15(2)(b)(ii): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

#### **15A Appeals relating to registration of parents' details**

- (1) This section applies to a person affected by a decision of the Registrar-General under section 15 to—
  - (a) register as part of a child's birth information any information indicating or purporting to indicate that a person is the child's parent, or direct a Registrar to do so; or
  - (b) decline to register as part of a child's birth information any information indicating or purporting to indicate that a person is the child's parent, or decline to direct a Registrar to do so.
- (2) The person affected may, within 28 days after receiving written notice of the Registrar-General's decision, appeal against the decision to the office of the Family Court nearest the Registrar-General's office.
- (3) The Family Court must, when considering an appeal,—
  - (a) give every person the court thinks has an interest in the matter an opportunity to be heard; and
  - (b) receive any evidence the court thinks fit.
- (4) The court must then—
  - (a) either confirm the Registrar-General's decision or make a decision that it thinks fit; and
  - (b) where necessary, direct the Registrar-General to include or delete the information concerned in or from the information recorded under this Act or a former Act.
- (5) This section does not apply in relation to a decision of the Registrar-General that gives effect to a declaration made by the Family Court or by the High Court or to a paternity order made by the Family Court.

Section 15A: inserted, on 24 January 2009, by section 11 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 15A(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 15A(5): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

## **16 Registration of births notified late**

No Registrar other than the Registrar-General shall register a birth notified more than 2 years after the birth.

Compare: 1951 No 22 ss 11(2), 12, 14

## **17 Parents who marry or enter into civil union after birth of child may have particulars of marriage or civil union recorded**

- (1) If satisfied that—
  - (a) the parents of any person married, or entered into a civil union with, each other after the person's birth; and
  - (b) either—
    - (i) the parents have jointly requested the Registrar-General to record information relating to their marriage or civil union as part of the information relating to the person's birth recorded under this Act or a former Act; or
    - (ii) one parent is unavailable and the other has so requested,—

the Registrar-General shall do so.
- (2) Any person affected by a decision of the Registrar-General to decline to record information relating to a marriage or civil union between the parents of a person that took place after the person's birth as part of the information relating to the birth recorded under this Act or a former Act may, within 28 days after receiving written notice that the Registrar-General has so decided, appeal against the decision to the office of the Family Court nearest the Registrar-General's office; and the Family Court shall, after—
  - (a) giving every person the court thinks has an interest in the matter an opportunity to be heard; and
  - (b) receiving any evidence the court thinks fit,—

either confirm the Registrar-General's decision or make such decision as the Family Court thinks fit and, where necessary, direct the Registrar-General to cause to be included in the information recorded under this Act or a former Act in respect of the birth concerned the information in dispute.
- (3) For the purposes of this section, the only information recorded under this Act or a former Act in respect of an adopted person's birth is the information originally recorded.

Compare: 1951 No 22 s 19A

Section 17 heading: amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Section 17(1)(a): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Section 17(1)(b)(i): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Section 17(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 17(2): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

## **Part 3 Names**

### **18 Acceptance of names**

- (1) A Registrar shall not include any name or names in the information recorded under this Act or a former Act relating to a person's birth, or omit or amend any name or names so included, unless—
  - (a) the effect is that there are so included—
    - (i) 1 name designated to be treated as the person's surname; and
    - (ii) 1 or more other names; or
  - (b) the religious or philosophical beliefs, or cultural traditions, of—
    - (i) the person, if the person has attained the age of 18 years or earlier married or entered into a civil union; or
    - (ii) a parent (living or dead) or living guardian of the person, if the person has not attained the age of 18 years or earlier married or entered into a civil union—

require the person to bear only 1 name; and the effect is that there is so included only 1 name.
- (2) Subject to subsections (1) and (3), a Registrar shall include in the information recorded under this Act or a former Act relating to a person's birth any name or combination of names specified unless, in the Registrar's opinion, it may be undesirable in the public interest for the person to bear it.
- (3) If, in the opinion of a Registrar (other than the Registrar-General) who would otherwise include any name or combination of names in the information recorded under this Act or a former Act relating to a person's birth, it may be undesirable in the public interest for the person to bear it, the Registrar shall notify the Registrar-General of the name or combination of names concerned, and shall not include it unless directed by the Registrar-General to do so.
- (4) The Registrar-General shall include a name or combination of names in the information recorded under this Act or a former Act relating to a person's birth

(or direct a Registrar to do so) unless, in the Registrar-General's opinion, it is undesirable in the public interest for the person to bear it.

- (5) Any person affected by a decision of the Registrar-General to decline to include any name or combination of names in the information recorded under this Act or a former Act relating to a birth, or to decline to direct a Registrar to do so, may, within 28 days of receiving written notice that the Registrar-General has so declined, appeal against the decision to the office of the Family Court nearest the Registrar-General's office.
- (6) On an appeal under subsection (5), the Family Court shall, unless satisfied that it is undesirable in the public interest for the person concerned to bear the name or combination of names concerned, direct the Registrar concerned to include the name or combination of names in the information recorded under this Act or a former Act in respect of the person's birth.
- (7) In determining an appeal under subsection (5), the Family Court—
  - (a) shall give every person the court thinks has an interest in the matter an opportunity to be heard; and
  - (b) may receive any evidence the court thinks fit.
- (8) For the purposes of this section, it is undesirable in the public interest for a person to bear a name or combination of names if, and only if,—
  - (a) it might cause offence to a reasonable person; or
  - (b) it is unreasonably long; or
  - (c) without adequate justification, it is, includes, or resembles, an official title or rank.

Section 18(1)(b)(i): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Section 18(1)(b)(ii): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Section 18(5): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

## **19 Names to be specified when birth notified**

- (1) The person or persons who notify a Registrar of the birth of a child under section 9 or 10 must also specify for the child—
  - (a) 1 name designated to be treated as the child's surname and 1 or more other names; or
  - (b) if the religious or philosophical beliefs, or cultural traditions, of a parent (whether living or dead) or living guardian of the child require the child to bear only 1 name, 1 name.
- (2) Nothing in subsection (1) requires any name other than a name designated to be treated as the child's surname to be specified in the notification of a still-birth.

- (3) Where—
- (a) either—
- (i) the Registrar-General has declined to include any name or names in the information recorded under this Act relating to a birth; or
- (ii) a Registrar has declined to include any name or names in the information recorded under this Act relating to a birth, and the Registrar-General has declined to direct the Registrar to do so; and
- (b) the Family Court has not determined that the name or names whose inclusion has been declined should be included,—

the question of whether or not subsection (1) has been complied with must be determined as if the name or names whose inclusion has been declined had not been specified.

Section 19(1): substituted, on 24 January 2009, by section 12(1) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 19(3): amended, on 24 January 2009, by section 12(2) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 19(3)(b): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

## **20 Guardians may change child's names within 2 years of birth**

- (1) Subject to subsection (2), within 2 years of a child's birth—
- (a) the child's guardians jointly; or
- (b) if any guardians are unavailable, the other or others of them; or
- (c) if, on the application of one guardian, the Family Court has consented to a change in the child's name, that guardian,—
- may, by notice in writing to a Registrar, request the Registrar to omit, amend, or replace any name specified for the child under section 19 or under a former Act, or specify for the child a further name or names; and in that case, subject to subsection (2) of this section and section 18, the Registrar shall, on payment of the prescribed fee, include the child's new names in the information relating to the birth recorded under the Act concerned.
- (2) A Registrar shall not, under subsection (1), include any new names in the registration of a child's birth—
- (a) if the request concerned was made pursuant to an order of the Family Court, and is not in accordance with any conditions subject to which the order was made; or
- (b) more than once in respect of the same child, unless satisfied that there are special reasons making it appropriate to do so.

**21 Definitions for sections 21A and 21B**

In sections 21A and 21B,—

**eligible person** means a person—

- (a) whose birth is registered; or
- (b) who is a New Zealand citizen or is entitled, under the Immigration Act 2009, to be in New Zealand indefinitely

**guardian** means—

- (a) the guardians of a person; or
- (b) if any guardians are unavailable, the other guardian or guardians; or
- (c) if, on the application of 1 guardian, the Family Court has consented to a change in the person's names, that guardian; or
- (d) if all guardians are unavailable, the chief executive of the department for the time being responsible for the administration of the Oranga Tamariki Act 1989.

Section 21: substituted, on 24 January 2009, by section 13 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 21 **eligible person** paragraph (b): amended, at 2 am on 29 November 2010, by section 406(1) of the Immigration Act 2009 (2009 No 51).

Section 21 **guardian** paragraph (d): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

**21A Application for registration of name change**

- (1) The following persons may apply for registration of a name change:
  - (a) an eligible person who is 18 years of age or older:
  - (b) an eligible person who is younger than 18 years of age but who is or has been in a marriage, in a civil union, or in a de facto relationship:
  - (c) the guardian of an eligible person to whom neither of paragraph (a) or (b) applies.
- (2) A person applying for registration of a name change must—
  - (a) complete the standard form and provide it to the Registrar-General; and
  - (b) pay the prescribed fee (if any); and
  - (c) provide one of the following to the Registrar-General:
    - (i) a statement made, in accordance with subsection (3), by an eligible person or the guardian of an eligible person (accompanied by the eligible person's written consent if the eligible person is 16 years of age or older and the application was made by the eligible person's guardian) and verified—
      - (A) electronically in a prescribed manner (*see also* section 82A); or



- (B) by statutory declaration; or
  - (ii) a deed poll executed before 1 September 1995, evidencing any change in the eligible person's names; or
  - (iii) a copy of a deed poll executed and filed in an office of the High Court before 1 September 1995 and certified by a Registrar of the court in which it was filed.
- (3) The eligible person or the guardian of the eligible person must declare, in the verified statement provided under subsection (2)(c)(i),—
  - (a) an intention to abandon (and to adopt some other names instead of) the names most recently included in—
    - (i) the eligible person's birth information or name change information; or
    - (ii) the registration of the eligible person's birth in another State; or
    - (iii) a record of a name change deposited with a foreign registration authority; or
  - (b) that the eligible person has previously abandoned (and adopted some other names instead of) the names included in—
    - (i) the eligible person's birth information or name change information; or
    - (ii) the registration of the eligible person's birth in another State; or
    - (iii) a record of a name change deposited with a foreign registration authority.
- (3A) The Registrar-General may require a person before whom a statutory declaration referred to in subsection (2)(c)(i)(B) or section 82A(2) is made—
  - (a) to verify the identity of the eligible person or the guardian of the eligible person, or both, in a manner specified by the Registrar-General; and
  - (b) to state whether he or she is satisfied of the identity of the eligible person or the guardian of the eligible person, or both.
- (4) A birth certificate, or some other certificate or evidence, that satisfies the Registrar-General of the date and place of the eligible person's birth and the status of any other person making the application as the eligible person's guardian must also be provided to the Registrar-General if the eligible person's birth is not registered.
- (4A) The Registrar-General may require a person applying for registration of a name change to provide, with the standard form referred to in subsection (2)(a) or separately, any means of identification that is reasonably necessary to confirm the identity of the eligible person or the guardian of the eligible person, or both.
- (5) The Registrar-General must, at the option of the eligible person or the guardian of the eligible person, return or destroy the certificate or evidence provided under subsection (4) or (4A).

Section 21A: inserted, on 24 January 2009, by section 13 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 21A(2): replaced, on 26 March 2015, by section 4(1) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2015 (2015 No 9).

Section 21A(2)(c): amended, on 16 December 2017, by section 4(1) of the Electronic Interactions Reform Act 2017 (2017 No 50).

Section 21A(2)(c)(i): replaced, on 16 December 2017, by section 4(2) of the Electronic Interactions Reform Act 2017 (2017 No 50).

Section 21A(3): amended, on 16 December 2017, by section 4(3) of the Electronic Interactions Reform Act 2017 (2017 No 50).

Section 21A(3): amended, on 26 March 2015, by section 4(2) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2015 (2015 No 9).

Section 21A(3A): inserted, on 26 March 2015, by section 4(3) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2015 (2015 No 9).

Section 21A(3A): amended, on 16 December 2017, by section 4(4) of the Electronic Interactions Reform Act 2017 (2017 No 50).

Section 21A(4): amended, on 26 March 2015, by section 4(4) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2015 (2015 No 9).

Section 21A(4A): inserted, on 26 March 2015, by section 4(5) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2015 (2015 No 9).

Section 21A(5): amended, on 26 March 2015, by section 4(6) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2015 (2015 No 9).

## **21B Registration of name change**

- (1) The Registrar-General must, subject to section 18, register a name change as soon as practicable if the documents and fee (if any) required by section 21A are provided to the Registrar-General.
- (2) The Registrar-General must register a name change as follows:
  - (a) for an eligible person whose birth has been registered or is required to be registered, include the new name in the person's birth information; or
  - (b) for an eligible person whose birth cannot be registered because of section 6, include the new name in the person's name change information.
- (3) However, the Registrar-General must not register a name change if it is an abandonment of a surname assumed on marriage or entry into a civil union (not being the surname most recently included in the person's birth information or name change information) and a reversion to the most recently included surname.

Section 21B: inserted, on 24 January 2009, by section 13 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 21B(1): amended, on 16 December 2017, by section 5 of the Electronic Interactions Reform Act 2017 (2017 No 50).

**22 Registrar-General to give effect to decisions under Care of Children Act 2004**

Subject to section 18, but notwithstanding any other provision of this Part, an order under section 44(3) or section 46(1) of the Care of Children Act 2004 requiring the Registrar-General to include any names in the information recorded under this Act or a former Act relating to a child's birth shall have effect according to its tenor.

Section 22 heading: amended, on 1 July 2005, by section 151 of the Care of Children Act 2004 (2004 No 90).

Section 22: amended, on 1 July 2005, by section 151 of the Care of Children Act 2004 (2004 No 90).

**Part 4  
Adoptions**

**23 Registrar-General to be notified of New Zealand adoptions**

Forthwith after the making of an adoption order under the Adoption Act 1955, the court concerned or its Registrar shall give the Registrar-General notice of the following matters (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 person's parents immediately before the making of the order:
- (d) whether or not the adoptive parent or parents want the words "adoptive parent" or "adoptive parents" to appear on the face of birth certificates relating to the person:
- (e) the date of the order:
- (f) the name of the court:
- (g) those matters required by the standard form for the purposes of section 11 (which relates to the notification of births) that would have been appropriate if the adopted person had been born to the adoptive parent or parents:
- (h) any other matters prescribed.

Compare: 1951 No 22 s 21(1)

Section 23(g): amended, on 24 January 2009, by section 46 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

**24 Registration of New Zealand adoptions**

- (1) On receiving—
  - (a) notice under section 23 of this Act or section 21 of the Births and Deaths Registration Act 1951 relating to the adoption of; or

- (b) notice of the adoption under a former Adoption Act of—  
a person whose birth has been registered, the Registrar-General shall forthwith cause the information it contains to be included in the registration.
- (2) On receiving—
- (a) notice under section 23 of this Act or section 21 of the Births and Deaths Registration Act 1951 relating to the adoption of; or
- (b) notice of the adoption under a former Adoption Act of—  
a person whose birth has not been registered, the Registrar-General shall, if satisfied of the correctness or likely correctness of the information relating to the date and place of the person’s birth, forthwith record the information it contains as if the person’s birth is registered and the information is included in the registration.
- (3) The Registrar-General must include additional information described in subsection (5) in the birth information of an adopted person if an application—
- (a) is made under subsection (4)(a); or
- (b) is made under subsection (4)(b) and is accompanied by the adopted person’s written consent if he or she is 16 or 17 years of age.
- (4) The application may be made by—
- (a) the adopted person if he or she is 18 years of age or older or (if younger than 18 years of age) has earlier married, entered into a civil union, or been in a de facto relationship; or
- (b) if the birth information relates to an adopted person who is younger than 18 years of age and has not earlier married, entered into a civil union, or been in a de facto relationship,—
- (i) the adoptive parents (if there are 2 adoptive parents and they are both alive); or
- (ii) the adoptive parent (if there is only 1 adoptive parent or 1 adoptive parent alive).
- (5) The additional information is—
- (a) notice of whether the words “adoptive parent” or “adoptive parents” should appear on birth certificates relating to the adopted person; and
- (b) other information relating to the birth, subject to section 83.

Compare: 1951 No 22 ss 21, 24

Section 24(3): substituted, on 24 January 2009, by section 14 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 24(4): added, on 24 January 2009, by section 14 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 24(5): added, on 24 January 2009, by section 14 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

## **25 Registration of overseas adoptions**

If the Registrar-General—

- (a) is satisfied that section 17(1) of the Adoption Act 1955 or section 11 of the Adoption (Intercountry) Act 1997 applies to the adoption outside New Zealand of a person whose birth is registered; and
- (b) has received any particulars the Registrar-General requires for the purpose, and is satisfied that they are or are likely to be correct,—

the Registrar-General may direct that section 24 of this Act should apply to the adoption; and in that case that section and section 27 of this Act, with any necessary modifications, shall apply as if the adoption had been effected by an adoption order under the Adoption Act 1955.

Compare: 1951 No 22 s 21A

Section 25(a): amended, on 1 January 1999, by section 30 of the Adoption (Intercountry) Act 1997 (1997 No 109).

## **26 Registrar-General may supply adoption information to registration authorities overseas**

If satisfied that—

- (a) an authority constituted in a State outside New Zealand has the function of recording information relating to births within the State; and
- (b) a person who has been adopted in New Zealand was born in the State; and
- (c) the authority has so requested,—

the Registrar-General may supply to the authority any information relating to the adoption.

## **27 Variation or discharge of adoption order**

- (1) Subject to subsection (2), forthwith after the variation or discharge of an adoption order under the Adoption Act 1955, the Registrar of the court concerned shall send a copy of the order to the Registrar-General, who shall cause to be included in the registration of the birth of the person to whom the adoption order related particulars of the variation or discharge including (where appropriate) a name or names for the person.
- (2) The Registrar-General may, if it seems expedient to do so, treat any order varying any adoption order as if it is a further adoption order; and in that case section 24 shall apply accordingly.

Compare: 1951 No 22 s 23

## Part 5

### Declarations of Family Court as to sex

#### 27A Definitions for sections 28 and 29

In sections 28 and 29,—

**eligible adult** means a person—

- (a) who is any of the following:
  - (i) a person whose birth is registered:
  - (ii) a person whose birth is registrable under this Act but is not yet registered:
  - (iii) a person who is a New Zealand citizen or is entitled, under the Immigration Act 2009, to be in New Zealand indefinitely; and
- (b) who—
  - (i) is 18 years of age or older; or
  - (ii) is younger than 18 years of age but who is or has been in a marriage, in a civil union, or in a de facto relationship

**eligible child** means a person—

- (a) who is any of the following:
  - (i) a person whose birth is registered:
  - (ii) a person whose birth is registrable under this Act but is not yet registered:
  - (iii) a person who is a New Zealand citizen or is entitled, under the Immigration Act 2009, to be in New Zealand indefinitely; and
- (b) who—
  - (i) has not attained the age of 18 years; and
  - (ii) has never been in a marriage, in a civil union, or in a de facto relationship.

Section 27A: inserted, on 24 January 2009, by section 15 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 27A **eligible adult** paragraph (a)(iii): amended, at 2 am on 29 November 2010, by section 406(1) of the Immigration Act 2009 (2009 No 51).

Section 27A **eligible child** paragraph (a)(iii): amended, at 2 am on 29 November 2010, by section 406(1) of the Immigration Act 2009 (2009 No 51).

#### 28 Declarations of Family Court as to sex to be shown on birth certificates issued for adults

- (1) Subject to subsection (3), the Family Court may, on the application of an eligible adult (the **applicant**), declare that it is appropriate that birth certificates issued in respect of the applicant should contain the information that the appli-

cant is a person of a sex specified in the application (in subsection (3) referred to as the **nominated sex**).

- (2) The court must cause a copy of the application to be served on—
  - (a) the Registrar-General, if the applicant’s birth is registered or is registrable under this Act but is not yet registered; and
  - (b) any other person who, in the court’s opinion, is interested in it or might be affected by the granting of the declaration.
- (3) The court shall issue the declaration if, and only if,—
  - (a) it is satisfied either that the applicant’s birth is registrable under this Act but is not yet registered, or that there is included in the record of the applicant’s birth—
    - (i) information that the applicant is a person of the sex opposite to the nominated sex; or
    - (ii) information that the applicant is a person of indeterminate sex; or
    - (iii) no information at all as to the applicant’s sex; and
  - (b) it is satisfied that the applicant is not a person of the nominated sex, but—
    - (i) has assumed and intends to maintain, or has always had and intends to maintain, the gender identity of a person of the nominated sex; and
    - (ii) wishes the nominated sex to appear on birth certificates issued in respect of the applicant; and
  - (c) either—
    - (i) it is satisfied, on the basis of expert medical evidence, that the applicant—
      - (A) has assumed (or has always had) the gender identity of a person of the nominated sex; and
      - (B) has undergone such medical treatment as is usually regarded by medical experts as desirable to enable persons of the genetic and physical conformation of the applicant at birth to acquire a physical conformation that accords with the gender identity of a person of the nominated sex; and
      - (C) will, as a result of the medical treatment undertaken, maintain a gender identity of a person of the nominated sex; or
    - (ii) it is satisfied that the applicant’s sexual assignment or reassignment as a person of the nominated sex has been recorded or recognised in accordance with the laws of a State for the time being recognised for the purposes of this section by the Minister by notice in the *Gazette*.

Section 28(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 28(1): amended, on 24 January 2009, by section 16(1) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 28(2): substituted, on 24 January 2009, by section 16(2) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 28(3)(a): amended, on 24 January 2009, by section 16(3) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

## 29 Declarations of Family Court as to appropriate gender identity for children

- (1) Subject to subsections (3) and (4), the Family Court may, on the application of the guardian of an eligible child (the **child**), declare—
  - (a) that it is in the child’s best interests to be brought up as a person of a sex specified in the application (in subsection (3) referred to as the **nominated sex**); and
  - (b) that any birth certificate issued in respect of the child should contain the information that the child is a person of the sex specified in the application.
- (2) The court must cause a copy of the application to be served on—
  - (a) the Registrar-General, if the child’s birth is registered or is registrable under this Act but is not yet registered; and
  - (b) any other person who, in the court’s opinion, is interested in it or might be affected by the granting of the declaration.
- (3) The court shall issue the declaration if, and only if,—
  - (a) it is satisfied either that the child’s birth is registrable under this Act but is not yet registered, or that there is included in the record of the child’s birth—
    - (i) information that the child is a person of the sex opposite to the nominated sex; or
    - (ii) information that the child is a person of indeterminate sex; or
    - (iii) no information at all as to the child’s sex; and
  - (b) it is satisfied that the child is not a person of the nominated sex, but—
    - (i) the guardian intends to bring the child up as a person of the nominated sex; and
    - (ii) wishes the nominated sex to appear on birth certificates issued in respect of the applicant; and
  - (c) it is satisfied, on the basis of expert medical evidence, that the child—
    - (i) has already undergone; or
    - (ii) if the court grants the declaration will undergo,—



- medical treatment reasonably necessary to enable the child to assume and maintain the gender identity of a person of the nominated sex; and
- (d) it is satisfied, on the basis of expert medical evidence, that the child's physical conformation and gonadal and genital development are such that it is more likely that the child will be able (after undergoing any of the medical treatment not yet undergone) to assume the gender identity of a person of the nominated sex than it is that the child will be able to assume the gender identity of a person of the opposite sex (with or without medical intervention).
- (4) The declaration shall specify (with as much particularity as is possible in all the circumstances) all medical treatment (if any) that the child has not yet undergone that in the court's opinion (reached in the light of the expert medical evidence) is reasonably necessary to enable the child's successful assumption and maintenance of the gender identity of a person of the nominated sex.

Section 29(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 29(1): amended, on 24 January 2009, by section 17(1) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 29(2): substituted, on 24 January 2009, by section 17(2) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 29(3)(a): amended, on 24 January 2009, by section 17(3) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

### **30 Registrar-General may add information to registration of birth**

- (1) Subject to subsection (2), where there is deposited with the Registrar-General a declaration issued under section 28 or section 29 that relates to a person whose birth has been registered or is later registered, the Registrar-General shall, on payment of the prescribed fee (if any), include in the information relating to the birth recorded under this Act or a former Act information that the person is a person of the nominated sex.

- (2) *[Repealed]*

Section 30(2): repealed, on 19 August 2013, by section 9 of the Marriage (Definition of Marriage) Amendment Act 2013 (2013 No 20).

### **31 Registrar-General may delete information where procedures not completed**

If satisfied that—

- (a) information that a person is a person of a particular sex has under section 30 been included in the information relating to the person's birth recorded under this Act or a former Act; and
- (b) the information was included after the deposit with the Registrar-General of a declaration issued under section 29; and

- (c) the declaration of the Family Court included with the documents specified medical treatment that was, in the court's opinion, reasonably necessary to enable the person's successful assumption and maintenance of the gender identity of a person of that sex; and
- (d) there has been produced to the Registrar-General expert medical evidence to the effect that the person has not undergone that medical treatment, or other medical treatment having the same effect,—

the Registrar-General may delete from the information recorded the information that was included.

### **32 Other powers not affected**

Nothing in sections 28 to 31 limits or affects—

- (a) the power of the Registrar-General under section 84(2) to substitute for—
  - (i) incorrect information relating to a person's sex; or
  - (ii) information that a person is of indeterminate sex,—correct information relating to the person's sex; or
- (b) the power of the Registrar-General under section 84(3) to cause correct information relating to a person's sex to be recorded where previously no information at all as to the person's sex was recorded.

### **33 New information not to affect general law**

Notwithstanding this Part, the sex of every person shall continue to be determined by reference to the general law of New Zealand.

## **Part 6 Deaths**

### **34 Deaths in New Zealand to be notified and registered**

- (1) Every death in New Zealand must be notified and registered in accordance with this Part.
- (2) Subsection (1) does not apply to a death to which section 19(1) of the Visiting Forces Act 2004 applies.

Section 34: substituted, on 1 July 2004, by section 26 of the Visiting Forces Act 2004 (2004 No 59).

### **35 Deaths outside New Zealand**

Except as provided in sections 36, 48(3), and 50, no death outside New Zealand shall be registered under this Act.

**36 Deaths on New Zealand aircraft or ships**

Any person may notify the Registrar-General and the Registrar-General may cause to be registered, as if it had occurred in New Zealand, any death that occurred outside New Zealand on an aircraft registered in New Zealand under the Civil Aviation Act 1990 or a New Zealand ship (within the meaning of the Maritime Transport Act 1994) or an aircraft or ship of the armed forces (within the meaning of the Armed Forces Discipline Act 1971).

Compare: 1951 No 22 s 33A

Section 36: amended, on 7 July 2010, by section 9 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2010 (2010 No 49).

**37 Medical certificates in relation to illness**

*[Repealed]*

Section 37: repealed, on 24 January 2009, by section 18 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

**38 Medical certificates in relation to accidents to elderly persons**

*[Repealed]*

Section 38: repealed, on 24 January 2009, by section 18 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

**39 Bodies to be disposed of within reasonable time**

*[Repealed]*

Section 39: repealed, on 24 January 2009, by section 18 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

**40 Transfer of charge of body**

*[Repealed]*

Section 40: repealed, on 24 January 2009, by section 18 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

**41 Medical certificate or coroner's order to be obtained before body disposed of**

*[Repealed]*

Section 41: repealed, on 24 January 2009, by section 18 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

**42 Registrar to be notified when body disposed of or removed**

- (1) A person who disposes of a body (not being the body of a person whose death has already been notified under subsection (2)) shall forthwith notify a Registrar of the death of the person concerned.
- (2) Before removing a body—
  - (a) from New Zealand for disposal outside New Zealand; or
  - (b) for anatomical examination under the Human Tissue Act 2008,—

the person proposing to remove it shall notify a Registrar of the death of the person concerned.

Compare: 1964 No 22 ss 29, 30, 32

Section 42(2)(b): amended, on 1 November 2008, by section 92 of the Human Tissue Act 2008 (2008 No 28).

#### **43 Notification of death where court gives leave to swear to death**

Where, in any proceedings under the Administration Act 1969, the High Court gives leave to swear to the death of any person,—

- (a) the Registrar of the court shall forthwith notify the Registrar-General; and
- (b) the Registrar-General may authorise a Registrar to register the person's death; and
- (c) in that case, so far as this Act may be complied with in the circumstances, the Registrar shall do so.

Compare: 1951 No 22 s 33B

#### **44 Notification of death reported to coroner where body destroyed or irrecoverable**

A coroner who has established—

- (a) that a person (being a person whose body is destroyed, impossible or impracticable to recover, or lost) has died; and
  - (b) the person's identity,—
- shall notify a Registrar of the person's death.

Compare: 1951 No 22 s 31A

#### **45 Notification of death reported to coroner in other cases**

- (1) The coroner to whom a death has been reported (or any coroner acting in that coroner's place) shall give a Registrar written notice of all particulars known to the coroner relating to the date, place, cause of the death, and identity of the person concerned,—
  - (a) forthwith after issuing a coroner's authorisation in relation to the person's body, in the case of particulars then known to the coroner:
  - (b) forthwith after acquiring them, in the case of particulars learned of later.
- (2) A coroner shall not include in any particulars given under subsection (1) any matter that tends to incriminate any person of any offence.

Compare: 1951 No 22 s 31

Section 45(1)(a): amended, on 24 January 2009, by section 46 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

#### **46 Other person may be authorised to notify**

- (1) Where—

- (a) a person required by any of sections 42 to 45 to notify a death has signed and given to some other person written authority to notify it; or
- (b) every person required by any of sections 42 to 45 to notify a death has failed or refused to do so, and the Registrar-General has authorised some other person to notify it,—

the other person may do so.

- (2) Except as provided in subsection (1), a person not required by any of sections 42 to 45 to notify a death shall not notify it, and is not capable of notifying it.
- (3) Notwithstanding subsection (1), where any person required by any of sections 42 to 45 to notify a death authorises any other person to notify it, the requirement is not discharged until the other person duly notifies it.

Compare: 1951 No 22 s 33

#### **47 Manner of notification of death**

- (1) A person notifying a Registrar of a death shall do so—
  - (a) by completing and signing the standard form and giving, sending, or posting it to the Registrar; or
  - (b) by sending the prescribed information relating to the death to the Registrar by an electronic means approved by the Registrar-General.
- (2) Subject to subsection (3), a person who completes and signs the standard form and posts it to the Registrar shall be deemed to do so at the time the form would be received by the Registrar in the normal course of post.
- (3) Where—
  - (a) any person has notified a Registrar of a death by completing and signing the standard form and sending or posting it to a Registrar; but
  - (b) it has not arrived or has been lost or destroyed,—

a Registrar may authorise the person, or any other person required by any of sections 42 to 45 to notify a Registrar of the death, to do so as if the form had never been sent or posted; and in that case the person concerned may do so.

Section 47(1)(a): amended, on 24 January 2009, by section 46 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 47(2): amended, on 24 January 2009, by section 46 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 47(3)(a): amended, on 24 January 2009, by section 46 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

#### **48 Time within which death to be notified**

- (1) A person required by section 42(1) to notify a death shall do so within 3 working days after the disposal of the body concerned.
- (2) A coroner required by section 44 to notify a death shall do so within 3 working days of the completion of the inquiry concerned.

- (3) If the Registrar-General is satisfied that—
- (a) any death in New Zealand has not previously been registered; or
  - (b) the death of a person ordinarily resident in New Zealand occurred in a place outside New Zealand where—
    - (i) there was no system for recording information relating to deaths; or
    - (ii) the system for recording information relating to deaths did not apply to the person,—

the death may be notified at any time; but (without limiting the generality of section 82) the Registrar-General may decline to allow information relating to it to be recorded if not satisfied that its registration is appropriate.

Section 48(2): amended, on 1 July 2007, by section 146 of the Coroners Act 2006 (2006 No 38).

#### **49 Registrars to register deaths**

- (1) Unless authorised by the Registrar-General to register deaths, a Registrar who is notified of a death under this Act shall, to the extent that the information given is information required by the standard form, send it to the Registrar-General or to a Registrar specified by the Registrar-General (as the Registrar-General for the time being directs).
- (2) Subject to sections 48 and 82,—
- (a) a Registrar (being a Registrar authorised by the Registrar-General to register deaths) who—
    - (i) is notified of a death under this Act; or
    - (ii) has been sent death information under subsection (1),—shall, to the extent that the information given is information required by the standard form, register it; and
  - (b) if sent death information under subsection (1), the Registrar-General shall, to the extent that it is information required by the standard form, register it.
- (3) A Registrar who records information relating to a person's death (whether under subsection (1) of this section or under section 50) at a time when the Registrar has access to a computer system on which information relating to births is recorded shall—
- (a) take all reasonable steps to find out if information relating to the person's birth is recorded on the system; and
  - (b) if so, ensure that there is recorded, with but not as part of that information, the fact that the person is dead.

Compare: 1951 No 22 s 7

Section 49(1): amended, on 24 January 2009, by section 46 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 49(2)(a): amended, on 24 January 2009, by section 46 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 49(2)(b): amended, on 24 January 2009, by section 46 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

## **50 Register of deaths of certain service personnel**

- (1) The Registrar-General shall take all reasonable steps to ensure that there is and continues to be recorded in respect of each person who, in the Registrar-General's opinion, died outside New Zealand while a member of, and on service with,—
  - (a) a naval, military, or air force raised in New Zealand, or in—
    - (i) any other State that was a Commonwealth country when the force was raised; or
    - (ii) any State for whose international relations New Zealand or another State that was a Commonwealth country when the force was raised was then responsible; or
  - (b) a United Nations activity within the meaning of sections 91 to 95 of the Policing Act 2008,—  
all the information (so far as it is known) described in subsection (2).
- (2) The information to be recorded is:
  - (a) name and sex:
  - (b) force or unit served in, and rank or level of position, at the time of death, and official number:
  - (c) last occupation and usual place of abode before departure from New Zealand:
  - (d) birthplace and parentage:
  - (e) date of birth, or age at date of death:
  - (f) relationship status at time of death:
  - (g) date and place of death:
  - (h) cause of death:
  - (i) place of disposal:
  - (j) the source of information from which the particulars were obtained.
- (3) For the purpose of recording information under this section, the Registrar-General may accept—
  - (a) in proof of the death of any person—
    - (i) the fact that the High Court has granted probate or administration of the estate of the person; or

- (ii) the fact that the High Court has granted leave to swear to the death; or
  - (iii) a certificate signed by an officer of the force concerned; or
  - (iv) a certificate signed by an officer of a force (being a force of another country or of the United Nations) acting in co-operation with the force concerned; or
  - (v) a certificate signed by any person approved for the purpose by the Minister of Defence or, as the case requires, the Minister of Police:
- (b) in proof of the death of any person, or of any other information required by subsection (2) to be recorded, any evidence the Registrar-General thinks sufficient.

Compare: 1951 No 22 s 36

Section 50(1)(b): amended, on 1 October 2008, by section 130(1) of the Policing Act 2008 (2008 No 72).

Section 50(2)(b): amended, on 1 October 2008, by section 130(1) of the Policing Act 2008 (2008 No 72).

Section 50(2)(f): substituted, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

## **51 Registrar to be notified when disinterred body disposed of or removed**

- (1) A person who disposes of a body that has been disinterred (otherwise than by returning it to the place where it was previously interred) shall, within 5 working days of doing so, notify a Registrar of where and how it was disposed of.
- (2) A person who removes—
- (a) from New Zealand for disposal outside New Zealand; or
  - (b) for anatomical examination under the Human Tissue Act 2008,—
- a body that has been disinterred shall notify a Registrar of the removal.
- (3) Subject to section 82, a Registrar who is notified under this section shall record as information relating to the death of the person whose body has been disposed of or removed—
- (a) where the body has been disposed of; or
  - (b) that the body has been removed from New Zealand for disposal outside New Zealand; or
  - (c) that the body has been removed for anatomical examination under the Human Tissue Act 2008.

Section 51(2)(b): amended, on 1 November 2008, by section 92 of the Human Tissue Act 2008 (2008 No 28).

Section 51(3)(c): amended, on 1 November 2008, by section 92 of the Human Tissue Act 2008 (2008 No 28).



**52 Deposit with Registrar-General of death certificates issued outside New Zealand**

- (1) Subject to this section, any person may, on payment of the prescribed fee and in the manner prescribed by regulations made under this Act, deposit with the Registrar-General a death certificate issued outside New Zealand in respect of the death outside New Zealand, whether before or after the commencement of this Act, of a New Zealand citizen or of a person ordinarily resident in New Zealand.
- (2) Where any person delivers to the Registrar-General, for deposit under subsection (1), a document that purports to be a death certificate to which that subsection applies, the Registrar-General shall, if satisfied that the document appears to be such a certificate, accept it for deposit and record the information contained in it.
- (3) Where a death certificate to which subsection (1) applies is not in the English language, the Registrar-General shall not accept it for deposit unless it is accompanied by a translation of that death certificate into the English language.
- (4) The Registrar-General shall not be responsible for the authenticity of any death certificate deposited under this section nor for the truth of any information contained in any such death certificate.
- (5) Where a death certificate is deposited under this section, the Registrar-General may, on payment of the prescribed fee, issue a written statement—
  - (a) stating that that death certificate is, under this section, deposited with the Registrar-General; and
  - (b) giving the information contained in that death certificate; but
  - (c) stating that the Registrar-General is not responsible for the authenticity of that death certificate nor for the truth of any information contained in that death certificate.
- (6) Where a death certificate is deposited under this section with the Registrar-General at a time when the Registrar-General has access to a computer system on which information relating to births is recorded, the Registrar-General shall—
  - (a) take all reasonable steps to find out if information relating to the person's birth is recorded on the system; and
  - (b) if so, ensure that there is recorded, with but not as part of that information, the fact that a death certificate issued outside New Zealand has been deposited but the recording of that fact shall note that the death certificate has not been authenticated.
- (6A) Sections 74 and 75 apply to information provided by the Registrar under subsection (5).
- (7) Nothing in this section limits or affects the provisions of sections 48(3)(b) and 50.

Section 52(6A): inserted, on 24 January 2009, by section 19 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

## Part 7 Marriages

### 53 Marriages in New Zealand to be registered

Every marriage solemnised in New Zealand shall be registered in accordance with this Part.

### 54 Marriages outside New Zealand

Except as provided in sections 56, 57, and 58, no marriage solemnised outside New Zealand shall be registered.

Section 54: amended, on 7 July 2010, by section 10 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2010 (2010 No 49).

### 55 Marriage information to be sent to Registrar

- (1) A celebrant shall,—
  - (a) forthwith after solemnising a marriage,—
    - (i) enter on both forms provided under section 24 of the Marriage Act 1955 with the licence for the marriage the prescribed information relating to the marriage; and
    - (ii) ensure that both forms are signed by each spouse, the celebrant, and 2 witnesses to the solemnisation; and
    - (iii) give one form to the parties; and
  - (b) within 10 days of solemnising the marriage, give, send, or post the other form to a Registrar.
- (2) If a marriage has been solemnised in accordance with the marriage regulations of the religious Society of Friends (commonly called Quakers) or, as the case may require, in accordance with the rules and procedures of an exempt religious body,—
  - (a) each spouse must, immediately after the solemnisation,—
    - (i) enter on both forms provided under section 24 of the Marriage Act 1955 with the licence for the marriage the prescribed information relating to the marriage; and
    - (ii) ensure that both forms are signed by each spouse and 2 witnesses to the solemnisation; and
    - (iii) ensure that 1 form is given, sent, or posted to the registering officer of the Society of Friends or, as the case may require, the registering officer of the exempt religious body; and

- (b) as soon as is practicable after receiving a form under paragraph (a)(iii) or subsection (4), the registering officer of the Society of Friends or, as the case may require, the registering officer of the exempt religious body must give, send, or post it to a Registrar.
- (2A) In subsection (2), **exempt religious body** has the same meaning as in section 32A(5) of the Marriage Act 1955.
- (3) A person who solemnises a service marriage (other than a service marriage solemnised in a Commonwealth country, particulars of which have been recorded in that country in accordance with its laws) shall,—
  - (a) forthwith after the solemnisation,—
    - (i) make and keep a record of information relating to the marriage on the form for the time being supplied with licences under section 24 of the Marriage Act 1955, or in a form as nearly as possible in accordance with that form; and
    - (ii) ensure that the record and 2 copies of it are signed by each spouse, the person, and 2 witnesses to the solemnisation; and
    - (iii) give one copy to the parties; and
  - (b) as soon as is practicable after the solemnisation, send or post the other copy to the Registrar-General.
- (4) Where a form or copy record prepared under this section (or a document prepared under an equivalent provision of a former Act) has been lost or mislaid, the Registrar-General may direct the person or persons who prepared it to prepare and give, send, or post another; and in that case the person or persons shall do so.

Compare: 1955 No 92 ss 11(2), 32, 36

Section 55(1)(a)(ii): amended, on 19 August 2013, by section 9 of the Marriage (Definition of Marriage) Amendment Act 2013 (2013 No 20).

Section 55(2): substituted, on 1 January 2002, by section 46 of the Human Rights Amendment Act 2001 (2001 No 96).

Section 55(2)(a): amended, on 19 August 2013, by section 9 of the Marriage (Definition of Marriage) Amendment Act 2013 (2013 No 20).

Section 55(2)(a)(ii): amended, on 19 August 2013, by section 9 of the Marriage (Definition of Marriage) Amendment Act 2013 (2013 No 20).

Section 55(2A): inserted, on 1 January 2002, by section 46 of the Human Rights Amendment Act 2001 (2001 No 96).

Section 55(3)(a)(ii): amended, on 19 August 2013, by section 9 of the Marriage (Definition of Marriage) Amendment Act 2013 (2013 No 20).

## 56 Registrars to register marriages

- (1) Unless authorised by the Registrar-General to register marriages,—
  - (a) a Registrar who receives a form given, sent, or posted under section 55 shall, to the extent that the information given is information required by the standard form, send it to the Registrar-General or to a Registrar spe-

cified by the Registrar-General (as the Registrar-General for the time being directs):

- (b) a Registrar who solemnises a marriage shall send the prescribed information relating to it to the Registrar-General or to a Registrar specified by the Registrar-General (as the Registrar-General for the time being directs).
- (2) Subject to section 82,—
- (a) a Registrar (being a Registrar authorised by the Registrar-General to register marriages) who receives a form given, sent, or posted under section 55 shall, to the extent that the information given is information required by the standard form, register it:
  - (b) a Registrar (being a Registrar authorised by the Registrar-General to register marriages) who solemnises a marriage shall register the prescribed information relating to it:
  - (c) if sent marriage information under subsection (1), the Registrar-General shall, to the extent that it is information required by the standard form, register it.

Compare: 1955 No 92 s 36

Section 56(1)(a): amended, on 24 January 2009, by section 46 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 56(2)(a): amended, on 24 January 2009, by section 46 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 56(2)(c): amended, on 24 January 2009, by section 46 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

## **57 Registrar-General may register certain marriages**

- (1) Subject to section 82, the Registrar-General may record any of the prescribed information relating to a marriage that has not been recorded under this Act or a former Act—
- (a) whether or not a form has been prepared in respect of the marriage under section 55 (or a part of the register, certificate, or copy of particulars has been prepared in respect of the marriage under section 11(2), section 32, or section 36 of the Marriage Act 1955, or a corresponding provision of a former Act); and
  - (b) whether or not information to the same effect, or conflicting information, was contained in any such form, part, certificate, or copy.
- (2) Subject to section 82, where the Registrar-General—
- (a) has received from a party to a service marriage, or a descendant of the parties to a service marriage, or some other person on behalf of such a party or descendant,—

- (i) an original record of information relating to the marriage recorded under section 55(3)(a), purporting to be signed by the person who solemnised it; or
  - (ii) an original certificate of its solemnisation under section 45(1) of the Marriage Act 1955 (or a corresponding provision of a former Act), containing information relating to it and purporting to be signed by the person who solemnised it; or
  - (iii) some other information relating to the marriage; and
- (b) is satisfied that the record, certificate, or information is authentic; and
- (c) is satisfied that it is impracticable to produce a copy record or copy certificate (as the case requires),—

the Registrar-General may record the information or any of it.

Compare: 1955 No 92 ss 38(2), 46(2)

### **58 Overseas ceremony where New Zealand representative attends**

The Registrar-General shall record all information contained in a duplicate copy of a certificate forwarded to the Registrar-General under section 43(1) of the Marriage Act 1955.

Compare: 1955 No 92 s 43(2)

### **59 Dissolutions to be recorded**

- (1) Upon the making of—
- (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 *ab initio*,—
- under the Family Proceedings Act 1980, the Registrar of the office of the Family Court concerned shall forthwith send to the Registrar-General a certificate of the order; and the Registrar-General shall record the information it contains as part of the information recorded under this Act or a former Act relating to the marriage.
- (2) The Registrar-General may record, as part of the information recorded under this Act or a former Act relating to a marriage, any information contained in—
- (a) any order described in subsection (1); or
  - (b) any equivalent order or decree made under a former divorce enactment (that is to say an Act repealed by the Family Proceedings Act 1980 or by a former divorce enactment).

Compare: 1955 No 92 ss 53, 55

Section 59(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 59(1): amended, on 24 January 2009, by section 46 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

## **60 Convictions for bigamy, and for coerced marriage, to be recorded**

- (1) This section applies if a person who is a party to a marriage is convicted of bigamy or coerced marriage because the marriage is a bigamous or coerced marriage.
- (2) The Registrar of the court in which the conviction was entered must immediately send to the Registrar-General a certificate of the conviction specifying—
  - (a) the names of the parties to the bigamous or coerced marriage; and
  - (b) the date and place of the bigamous or coerced marriage; and
  - (c) the date of the conviction.
- (3) Subsection (4) applies if—
  - (a) information relating to the bigamous or coerced marriage has been recorded under this Act or a former Act; and
  - (b) information relating to the bigamous or coerced marriage is sent to the Registrar-General under subsection (2).
- (4) The Registrar-General must record, as part of the information relating to the bigamous or coerced marriage, the information sent under subsection (2).

Section 60: replaced, on 3 December 2018, by section 33 of the Family Violence (Amendments) Act 2018 (2018 No 47).

## **61 Celebrants and Registrars to be notified**

*[Repealed]*

Section 61: repealed, on 7 July 2010, by section 11 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2010 (2010 No 49).

## **62 Recording new names in relation to marriages**

- (1) Subsection (2) applies if, during the course of a marriage, a party to the marriage changes his or her name and the change is recorded in the person's birth information or name change information.
- (2) The person who has changed his or her name (or if the person has died, the other party to the marriage) may request the Registrar-General to include the new name or change of name in his or her marriage information.
- (3) A request under subsection (2) may be made when the verified statement, deed poll, or copy of the deed poll concerned is provided under section 21A.
- (4) The Registrar-General must include the new name or change of name as requested, if the request is accompanied by the prescribed fee (if any).

Section 62: substituted, on 24 January 2009, by section 20 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 62(3): amended, on 16 December 2017, by section 6 of the Electronic Interactions Reform Act 2017 (2017 No 50).

## **Part 7A**

### **Civil unions**

Part 7A: inserted, on 26 April 2005, by section 39 of the Civil Union Act 2004 (2004 No 102).

#### **62A Civil unions under Civil Union Act 2004 to be registered**

- (1) Every civil union entered into under the Civil Union Act 2004 must be registered in accordance with this Part.
- (2) No other type of civil union may be registered under this Act.

Section 62A: inserted, on 26 April 2005, by section 39 of the Civil Union Act 2004 (2004 No 102).

#### **62B Civil unions solemnised by celebrant**

A celebrant who solemnises a civil union must,—

- (a) immediately after solemnising the civil union,—
  - (i) enter on both information return forms provided under section 12 of the Civil Union Act 2004 the prescribed information relating to the civil union; and
  - (ii) ensure that both forms are signed by the parties to the civil union, the celebrant, and 2 witnesses to the solemnisation; and
  - (iii) give one form to the parties; and
- (b) within 10 days of solemnising the civil union, forward the other form to a Registrar.

Section 62B: inserted, on 26 April 2005, by section 39 of the Civil Union Act 2004 (2004 No 102).

#### **62C Registrars to register civil unions**

- (1) A Registrar who is authorised by the Registrar-General to register civil unions must,—
  - (a) if he or she receives a form under section 62B, register the information, but only to the extent that the information given is information required by the standard form; and
  - (b) if he or she solemnises a civil union, register the prescribed information relating to it.
- (2) A Registrar who is not authorised by the Registrar-General to register civil unions must send to the Registrar-General, or to a Registrar specified by the Registrar-General (as the Registrar-General for the time being directs),—

- (a) any information contained on a form forwarded to the Registrar under section 62B, but only to the extent that the information is information required by the standard form; and
  - (b) if the Registrar solemnises a civil union, the prescribed information relating to that civil union.
- (3) Subsections (1) and (2) may be overridden by section 82.

Section 62C: inserted, on 26 April 2005, by section 39 of the Civil Union Act 2004 (2004 No 102).

Section 62C(1)(a): amended, on 24 January 2009, by section 46 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 62C(2)(a): amended, on 24 January 2009, by section 46 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

## **62D Change to form of relationship to be recorded**

If the Registrar-General or a Registrar receives information that the parties to a marriage or civil union have, under section 18 of the Civil Union Act 2004, changed the form of their relationship, the Registrar-General or Registrar must—

- (a) note on any information relating to the earlier marriage or civil union that is registered under this Act that the marriage or civil union has been changed, and note when and where the change was effected; and
- (b) note on the information relating to the later marriage or civil union that, on the date and at the place in which the solemnisation of the later marriage or civil union took place, the parties changed their earlier marriage or civil union into a marriage or civil union; and
- (c) ensure that a link is created between the registered information relating to the earlier marriage or civil union and the registered information relating to the later marriage or civil union.

Section 62D: inserted, on 26 April 2005, by section 39 of the Civil Union Act 2004 (2004 No 102).

## **62E Dissolutions to be recorded**

- (1) A Registrar of the Family Court must immediately send to the Registrar-General a certificate of any of the following orders made in that court under the Family Proceedings Act 1980:
- (a) an order dissolving a civil union;
  - (b) an order declaring that a party to a civil union is presumed dead and the civil union is dissolved;
  - (c) an order declaring that a civil union is void *ab initio*.
- (2) The Registrar-General must record the information contained in a certificate received under subsection (1) as part of the information recorded under this Act relating to the civil union.



Section 62E: inserted, on 26 April 2005, by section 39 of the Civil Union Act 2004 (2004 No 102).

Section 62E(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

**62F Convictions for bigamy, and for coerced civil union, to be recorded**

- (1) This section applies if a person who is a party to a civil union is convicted of bigamy or coerced civil union because the civil union is a bigamous or coerced civil union.
- (2) The Registrar of the court in which the conviction was entered must immediately send to the Registrar-General a certificate of the conviction specifying—
  - (a) the names of the parties to the bigamous or coerced civil union; and
  - (b) the date and place of the bigamous or coerced civil union; and
  - (c) the date of the conviction.
- (3) Subsection (4) applies if—
  - (a) information relating to the bigamous or coerced civil union has been recorded under this Act or a former Act; and
  - (b) information relating to the bigamous or coerced civil union is sent to the Registrar-General under subsection (2).
- (4) The Registrar-General must record, as part of the information relating to the bigamous or coerced civil union, the information sent under subsection (2).

Section 62F: replaced, on 3 December 2018, by section 34 of the Family Violence (Amendments) Act 2018 (2018 No 47).

**62G Recording new names in relation to civil unions**

- (1) Subsection (2) applies if, during the course of a civil union, a party to the civil union changes his or her name and the change is recorded in the person's birth information or name change information.
- (2) The person who has changed his or her name (or if the person has died, the other party to the civil union) may request the Registrar-General to include the new name or change of name in his or her civil union information.
- (3) A request under subsection (2) may be made when the verified statement is provided under section 21A.
- (4) The Registrar-General must include the new name or change of name as requested, if the request is accompanied by the prescribed fee (if any).

Section 62G: substituted, on 24 January 2009, by section 21 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 62G(3): amended, on 16 December 2017, by section 7 of the Electronic Interactions Reform Act 2017 (2017 No 50).

## Part 8

### Certificates

#### 63 Birth certificates for adopted persons

- (1) Except as provided in section 11(4)(a) of the Adult Adoption Information Act 1985, no birth certificate shall be provided in respect of an adopted person unless it has been requested—
  - (a) by reference to the names most recently included in the registration of the person's birth under section 24 or section 25 of this Act, or under a corresponding provision of a former Act (not being names derived from an adoption that has been discharged); or
  - (b) by reference to a name or names later recorded for the person under section 21B, or an earlier corresponding provision.
- (2) Except as provided in the Adult Adoption Information Act 1985, a birth certificate provided in respect of a person in respect of whom information (not being information derived from an adoption order that has been discharged) has been recorded under section 24 or section 25 of this Act,—
  - (a) subject to paragraph (b), shall contain the information that such a certificate would contain if the adoptive parents by whom the person was most recently adopted (otherwise than under an adoption order that has been discharged) were the person's biological mother and father, and the name or names recorded under that section had been recorded as information relating to the person's birth; and
  - (b) shall state that those adoptive parents are or are not adoptive parents according to the information in that behalf most recently recorded under section 24 of this Act or a corresponding provision of a former Act; and
  - (c) shall contain no other information.

Compare: 1951 No 22 s 21(7)

Section 63(1)(b): substituted, on 24 January 2009, by section 22 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

#### 64 Birth certificates after sexual assignment or reassignment

- (1) A birth certificate provided in respect of a person in respect of whom it is for the time being recorded under section 30 that the person is a person of a particular sex—
  - (a) shall, where new names have been included in the registration of the person's birth since it was recorded that the person was a person of that sex, contain the information that such a certificate would contain if the names first so included had been the person's names since birth; and
  - (b) subject to paragraph (a), shall contain the information that such a certificate would contain if the person had always been a person of that sex; and

- (c) shall contain no other information.
- (2) Where the Registrar-General records under section 30 information that a person is a person of a particular sex and that person, before that information is recorded, has had a new name or names included in the information recorded under this Act or a former Act in respect of that person's birth, being a name or names that accord with the sex subsequently recorded by the Registrar-General under section 30, that person may nominate 1 name or combination of names (including the name or names already so included in the information recorded under this Act or the former Act in respect of that person's birth), which names shall appear on all future birth certificates issued in respect of that person.
- (3) Any birth certificate issued in accordance with subsection (2)—
  - (a) shall contain the information that such a certificate would contain if the nominated names had been the person's names since birth; and
  - (b) shall, subject to that subsection, contain the information that such a certificate would contain if that person had always been a person of that sex; and
  - (c) shall contain no other information.
- (4) Notwithstanding subsections (1) to (3), a birth certificate provided in respect of a person at any time while, under section 30, there is included in the information relating to the person's birth recorded under this Act or a former Act information that the person is a person of a particular sex may, by virtue of the serial number it bears, be capable of indicating that the information has been recorded.

**65 Request for new identity information for certain witnesses, etc**

- (1) The following persons may make a written request to the Minister to create new identity information:
  - (a) the Minister of Police, for the purpose of protecting a person who—
    - (i) is, has been, or will be—
      - (A) a witness in any proceeding; or
      - (B) an undercover Police officer;
    - (ii) needs protection because of his or her relationship to a person who is, has been, or will be a witness in any proceeding;
  - (b) the Director-General of an intelligence and security agency, for the purpose of protecting the identity of a person who is, has been, or will be an employee.
- (2) The Minister may give a written direction to the Registrar-General to create new identity information for the person if,—

- (a) on receiving a request under subsection (1)(a), the Minister is satisfied that it is in the interests of justice that the new identity information be created; or
  - (b) on receiving a request under subsection (1)(b), the Minister is satisfied, having regard to the matters set out in section 26(3) of the Intelligence and Security Act 2017 (which applies with any necessary modifications), that—
    - (i) the person will use the new identity information appropriately; and
    - (ii) it is otherwise appropriate to grant the request.
- (3) New identity information is created by the Registrar-General by omitting, amending, or inserting—
- (a) birth information, death information, marriage information, civil union information, or name change information (including, if necessary, the creation of other identities to support the person’s new identity information); and
  - (b) operational or administrative information as necessary, so that it supports the information described in paragraph (a).
- (4) The Registrar-General may omit, amend, or insert information in the birth information, death information, marriage information, civil union information, or name change information of a person for whom new identity information has been created if the Registrar-General receives notification that the new identity is no longer needed or has been compromised, from—
- (a) the Commissioner of Police in relation to new identity information created as a result of a request under subsection (1)(a); or
  - (b) the Director-General of an intelligence and security agency in relation to new identity information created as the result of a request under subsection (1)(b).
- (5) In this section,—

**employee** has the meaning given to it by section 22 of the Intelligence and Security Act 2017

**undercover Police officer** means a person who is a member of the Police or a corresponding overseas law enforcement agency and whose identity is concealed for the purpose of an undercover investigation approved by the Commissioner of Police.

Section 65: substituted, on 24 January 2009, by section 23 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 65(1)(b): replaced, on 28 September 2017, by section 247(1) of the Intelligence and Security Act 2017 (2017 No 10).

Section 65(2): replaced, on 28 September 2017, by section 247(2) of the Intelligence and Security Act 2017 (2017 No 10).

Section 65(4)(b): replaced, on 28 September 2017, by section 247(3) of the Intelligence and Security Act 2017 (2017 No 10).

Section 65(5) **employee**: inserted, on 28 September 2017, by section 247(5) of the Intelligence and Security Act 2017 (2017 No 10).

Section 65(5) **employee** and **officer**: repealed, on 28 September 2017, by section 247(4) of the Intelligence and Security Act 2017 (2017 No 10).

## **66 Birth certificates where error in birth registration corrected**

- (1) Subject to subsection (2), where an error in the registration of a person's birth has been corrected under this Act or a former Act, a birth certificate later provided in respect of the person—
  - (a) shall contain the information that such a certificate would contain if the error had not been made; and
  - (b) shall contain no other information.
- (2) Where—
  - (a) under this Act or a former Act an error as to a person's sex has been corrected in the registration of the person's birth; and
  - (b) since the error was corrected new names have been included in the registration,—

a birth certificate later provided in respect of the person shall show the names first included after the error was corrected as if they were the names recorded when the person's birth was registered.
- (3) Notwithstanding subsection (1), where under this Act or a former Act an error in respect of the registration of a person's birth has been corrected, there may be provided in respect of that person a birth certificate that, by virtue of the serial number it bears, is capable of indicating that such an error has been corrected.

## **67 Birth certificates generally**

- (1) Every birth certificate shall contain as much information (being information relating to the birth to which the certificate relates recorded under this Act or a former Act at the time the certificate is issued) as is then prescribed.
- (2) Subsection (1) is subject to sections 63 to 66.
- (3) Notwithstanding sections 63(2)(c), 64(1)(c), 65(3), and 66(1)(b), if satisfied that the person to whom a birth certificate relates was still-born or is dead, the Registrar issuing it shall cause it to bear the expression "still-born" or, as the case requires, "deceased".
- (4) *[Repealed]*
- (5) *[Repealed]*
- (6) *[Repealed]*

Section 67(3): amended, on 24 January 2009, by section 24(1) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 67(4): repealed, on 24 January 2009, by section 24(2) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 67(5): repealed, on 24 January 2009, by section 24(2) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 67(6): repealed, on 24 January 2009, by section 24(2) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

## **68 Surnames on certain birth certificates**

In relation to births registered under a former Act before 1 January 1972, section 67 shall have effect,—

- (a) in the case of a birth in respect of which there was recorded the information that the parents of the person concerned were married to each other, as if there had been recorded the information that the person had the surname of the person's father; and
- (b) in every other case, as if there had been recorded the information that the person had the surname of the person's mother.

## **69 Death certificates**

Every death certificate shall contain as much information (being information relating to the death to which the certificate relates recorded under this Act or a former Act at the time the certificate is issued) as is then prescribed.

## **70 Marriage certificates**

Every marriage certificate shall contain as much information (being information relating to the marriage to which the certificate relates recorded under this Act or a former Act at the time the certificate is issued) as is then prescribed.

## **70A Civil union certificates**

Every civil union certificate must contain as much information (being information relating to the civil union to which the certificate relates that is recorded under this Act at the time the certificate is issued) as is then prescribed.

Section 70A: inserted, on 26 April 2005, by section 46 of the Civil Union Act 2004 (2004 No 102).

## **70B Name change certificates**

- (1) A name change certificate must contain as much information (relating to all name changes to which the certificate relates and that are recorded under this Act at the time the certificate is issued) as is then prescribed in regulations.
- (2) A name change certificate must not be issued for a person whose birth has been registered.

Section 70B: inserted, on 24 January 2009, by section 25 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

**71 Certificates to be prima facie evidence**

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

Compare: 1951 No 22 s 42

Section 71: amended, on 24 January 2009, by section 46 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 71: amended, on 26 April 2005, by section 46 of the Civil Union Act 2004 (2004 No 102).

**72 Fees for certificates**

No birth certificate, death certificate, marriage, civil union, or name change certificate shall be provided to any person unless the prescribed fee has been paid.

Section 72: amended, on 24 January 2009, by section 46 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 72: amended, on 26 April 2005, by section 46 of the Civil Union Act 2004 (2004 No 102).

**Part 9**

**Searches and disclosure of information**

Part 9 heading: substituted, on 24 January 2009, by section 26 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

**73 Definitions for sections 74 to 75G**

In sections 74 to 75G,—

**access register** means the access register required to be kept under section 75D(1)

**non-disclosure direction** means a direction described in section 75A(2)(b)

**personal representative**, in relation to a person, means,—

- (a) if the person has not attained the age of 18 years or has not earlier married or entered into a civil union or de facto relationship, a parent or guardian of the person; or
- (b) if the person has attained the age of 18 years or has earlier married or entered into a civil union or de facto relationship, a person who has been granted a power of attorney or has been given written authority by the person.

Section 73: substituted, on 24 January 2009, by section 27 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

**74 Access to birth information, death information, marriage information, civil union information, or name change information**

(1) Any person may request a Registrar to—

- (a) cause a search of information to be made; or

- (b) permit the inspection of a source document; or
  - (c) provide a print-out or certificate of the information requested or a copy of a source document.
- (2) A Registrar may comply with a request under subsection (1) only if—
- (a) the request is in respect of a named person; and
  - (b) the request is for a source document relating to the named person's birth, death, marriage, civil union, or name change; or information relating to the registration of the named person's birth, death, marriage, civil union, or name change; and
  - (c) the request is made in a manner approved by the Registrar-General; and
  - (d) the prescribed fee is paid; and
  - (e) the requirement in subsection (3) is met; and
  - (f) in the case of a request for a source document, the Registrar is satisfied that the person making the request is authorised under section 75 to access the source document.
- (3) A person making the request and, if applicable, the person for whom the request is made must provide the Registrar with any means of identification that are reasonably necessary to allow the identity of the person or the identities of those persons to be readily ascertained.
- (4) This section is subject to sections 75B(2) and 75G to 78H.

Section 74: substituted, on 24 January 2009, by section 27 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

## **75 Persons authorised to access source documents**

- (1) The following persons may inspect or obtain a copy of a source document:
- (a) the person who is the subject of the birth information, marriage information, civil union information, or name change information contained in the source document or that person's personal representative;
  - (b) a person who satisfies the Registrar-General that access is required for the maintenance of the accuracy of the registered information;
  - (c) a person who satisfies the Registrar-General that access is required for a purpose consistent with the purpose of recording information under this Act that cannot be met by obtaining a certificate or print-out.
- (2) However, a person described in subsection (1)(a) may not inspect or obtain a copy of information from a register, or an index to a register, that is regarded by the Registrar-General as a source document because it is maintained in documentary form and was created before 1 January 1998.

Section 75: substituted, on 24 January 2009, by section 27 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).



**75A Subject of birth information, marriage information, civil union information, or name change information may search access register and request non-disclosure direction**

- (1) This section applies to a person who is the subject of birth information, marriage information, civil union information, or name change information.
- (2) A person to whom this section applies, or his or her personal representative, may, at any time, request the Registrar-General—
  - (a) to provide a copy of all entries made in the access register in relation to the person’s birth information, marriage information, civil union information, or name change information:
  - (b) on 1 or more prescribed grounds, to direct that the person’s birth information, marriage information, civil union information, or name change information must not be disclosed to the public.
- (3) The Registrar-General may comply with a request under subsection (2) only if—
  - (a) the request is made in a manner approved by the Registrar-General; and
  - (b) the prescribed fee (if any) is paid; and
  - (c) the requirement in subsection (4) is met.
- (4) A person making the request must provide the Registrar-General with any means of identification that are reasonably necessary to allow the identity of the person to be readily ascertained.
- (5) The Registrar-General must adopt appropriate procedures to ensure that, if the request is made by the person’s personal representative, the personal representative has the written authority of that person or is otherwise properly authorised by that person.
- (6) Subsection (2)(a) is subject to section 75E.
- (7) Subsection (2)(b) is subject to sections 75F and 75G.

Section 75A: inserted, on 24 January 2009, by section 27 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

**75B Effect and duration of non-disclosure direction**

- (1) This section applies if the Registrar-General complies with a request under section 75A(2)(b) for a non-disclosure direction in respect of a person’s birth information, marriage information, civil union information, or name change information.
- (2) During the period in which the non-disclosure direction is in force, a Registrar—
  - (a) may comply with a request under section 74 to access the birth information, marriage information, civil union information, or name change information only if the request is made—

- (i) by the person who is the subject of that information; or
  - (ii) by that person's personal representative; and
- (b) must inform any other person who makes a request under that section for that information that—
  - (i) the information exists; but
  - (ii) the request cannot be complied with because a non-disclosure direction is in force.
- (3) A non-disclosure direction is in force from the date on which the Registrar-General gives the direction and continues in force until whichever is the earlier of—
  - (a) the expiry of the prescribed period; or
  - (b) the date on which the Registrar-General directs that the direction be withdrawn in accordance with a request under subsection (4).
- (4) A person who is the subject of the information to which a non-disclosure direction relates or that person's personal representative may, at any time, request the Registrar-General—
  - (a) to withdraw the direction; or
  - (b) on 1 or more prescribed grounds, to reinstate the direction after it has been withdrawn or after the prescribed period referred to in subsection (3)(a) has expired.
- (5) Section 75A(3) to (5) applies with any necessary modifications to a request under subsection (4).
- (6) Subsection (2) is subject to sections 75F and 75G.

Section 75B: inserted, on 24 January 2009, by section 27 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

**75C Registrar may provide limited verification of registered information that becomes publicly available while non-disclosure direction in force**

- (1) This section applies if a person who is the subject of birth information, marriage information, civil union information, or name change information makes any part of the information, or any information corresponding to that part of the information, publicly available while a non-disclosure direction in respect of that information is in force.
- (2) Any person may request a Registrar to verify whether the information that has become publicly available matches, or is consistent with, the relevant birth information, marriage information, civil union information, or name change information.
- (3) A Registrar may comply with a request under subsection (2) only if—
  - (a) the request is made in a manner approved by the Registrar-General; and

- (b) the request is accompanied by a copy of the information that has become publicly available or any other details that are sufficient, in the Registrar's opinion, to confirm that the information is publicly available; and
  - (c) the prescribed fee (if any) is paid; and
  - (d) the requirement in subsection (4) is met.
- (4) A person making the request and, if applicable, the person for whom the request is made must provide the Registrar with any means of identification that are reasonably necessary to allow the identity of the person or the identities of those persons to be readily ascertained.

Section 75C: inserted, on 24 January 2009, by section 27 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

#### **75D Registrar-General must keep access register**

- (1) The Registrar-General must ensure that an access register is kept for the purposes of this Act.
- (2) The access register must—
  - (a) record, as a separate entry, every request under section 74 for access to information or source documents relating to the registration of a person's birth, marriage, civil union, or name change; and
  - (b) set out the following information under each entry:
    - (i) the name of the person who made the request; and
    - (ii) the date on which the request was made; and
    - (iii) whether or not the Registrar complied with the request.
- (3) Subsection (2)(a) is subject to sections 75F(2) and 75G.

Section 75D: inserted, on 24 January 2009, by section 27 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

#### **75E Public sector agencies may search access register**

- (1) Despite section 75A(2)(a), a public sector agency (within the meaning of section 7(1) of the Privacy Act 2020) may request the Registrar-General to provide a copy of all entries made in the access register in relation to any person if it is necessary to avoid prejudice to the maintenance of the law (including the prevention, detection, investigation, prosecution, and punishment of offences).
- (2) The Registrar-General must comply with a request under subsection (1) as soon as practicable after it is made.
- (3) To avoid doubt, section 75A(3) and (4) do not apply to a request under subsection (1).

Section 75E: inserted, on 24 January 2009, by section 27 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 75E(1): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

**75F Searches for certain authorised purposes**

- (1) Sections 75A(2)(b) and 75B(2) do not apply to a request made by any of the following persons under section 74 to access any information relating to the registration of a person's birth, marriage, civil union, or name change:
  - (a) a person who requires the information for use in proceedings in a court or tribunal:
  - (b) an adopted person who is searching for information about his or her birth family:
  - (c) an executor, administrator, or trustee of an estate or trust who requires the information for the administration of the estate or trust:
  - (d) a person who satisfies the Registrar-General that access to the information or a source document is required for the maintenance of the accuracy of the registered information:
  - (e) a person who satisfies the Registrar-General that access to a source document is required for a purpose consistent with the purpose of recording information under the Act that cannot be met by obtaining a certificate or print-out.
- (2) Sections 75A(2)(b), 75B(2), and 75D(2) do not apply to a request made by any of the following persons under section 74 to access any information relating to the registration of a person's birth, marriage, civil union, or name change:
  - (a) a public sector agency that requires the information to avoid prejudice to the maintenance of the law (including the prevention, detection, investigation, prosecution, and punishment of offences):
  - (b) a public sector agency to whom disclosure of the information is contemplated or authorised by any other enactment:
  - (c) an intelligence and security agency, if it requires the information for the performance of its functions:
  - (d) the Police so they can notify next of kin of a person's death.

Section 75F: inserted, on 24 January 2009, by section 27 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 75F(2)(c): replaced, on 28 September 2017, by section 248 of the Intelligence and Security Act 2017 (2017 No 10).

**75G Searches for purposes of gathering statistics, or for health, historical, or demographic research**

- (1) Despite sections 74, 75A(2)(b), 75B(2), and 75D(2), the Registrar-General may direct a Registrar to 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—
  - (a) the gathering of statistics or historical or demographic 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 information—
    - (A) relates to persons who are dead or were born at least 120 years ago; and
    - (B) the Registrar-General is satisfied that, in causing the search to be made, or providing the information, the public benefit outweighs the effect on individual privacy; or
- (b) 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 information—
    - (A) relates to persons who are dead or were born at least 120 years ago; or
    - (B) the Registrar-General is satisfied that, in causing the search to be made, or providing the information, the public benefit outweighs the effect on individual privacy.
- (2) For the purposes of subsection (1)(a)(ii)(B) and (b)(ii)(B), the Registrar-General must take into account the following matters:
  - (a) the number of individuals whose privacy will be affected;
  - (b) the degree to which each individual's privacy will be affected;
  - (c) whether an ethics review committee or a similar body has considered and approved the research and, if so, the persons making up the committee or body and the type of work it undertakes;
  - (d) how the agency, body, or person undertaking the research proposes to hold, use, and, if relevant, dispose of the information obtained.
- (3) The Registrar-General may impose any conditions on the holding, use, publication, and disposal of information provided under this section that the Registrar-General considers appropriate to prevent or minimise an effect on individual privacy.
- (4) Before exercising any powers under this section for the purposes of subsection (1)(a)(ii)(B) and (b)(ii)(B), the Registrar-General must—
  - (a) consult with, and invite comments from, the Privacy Commissioner; and
  - (b) take those comments into account.

Section 75G: inserted, on 24 January 2009, by section 27 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

**76 Restrictions on searches relating to adopted persons**

- (1) This section applies to information if—
  - (a) it relates to an adopted person; and
  - (b) it was recorded under section 24 or section 25, or a corresponding provision of a former Act.
- (2) No person other than the Registrar-General shall permit a person to inspect any document containing information to which this section applies, or provide any person with a print-out or copy of any such document or a print-out of any such information.
- (3) The Registrar-General may permit a person to inspect any document containing information to which this section applies, or provide any person with a print-out or copy of any such document or a print-out of any such information, if satisfied—
  - (a) that—
    - (i) the person wishes to inspect the document or have the print-out or copy for a purpose in connection with the administration of an estate or trust; and
    - (ii) the person is executor, administrator, or trustee of the estate or trust; and
    - (iii) the information is material for the purpose; or
  - (b) that—
    - (i) the person wishes to inspect the document or have the print-out or copy for the purpose of investigating forbidden degrees of relationship under the Marriage Act 1955 or the Civil Union Act 2004; and
    - (ii) the person is a Registrar or celebrant; or
  - (c) that section 11(4)(a) of the Adult Adoption Information Act 1985 so authorises (but in that case shall permit it to the extent only that the said section 11(4)(a) so authorises); or
  - (d) that the adopted person concerned, the adoptive parents, and such of the adopted person's natural parents as had information relating to them recorded under this Act or a former Act as part of the information relating to the adopted person's birth, are all dead; or
  - (e) that 120 years has passed since the birth of the adopted person concerned.
- (4) Except as provided in subsection (3), the Registrar-General shall not permit a person to inspect any document containing information to which this section applies, or provide any person with a print-out or copy of any such document or a print-out of any such information, except on the order of the Family Court, the District Court, or the High Court, made—

- (a) for the purposes of a prosecution for making a false statement; or
- (b) in the event of any question of the validity or effect of any interim order or adoption order; or
- (c) on any other special ground.

Compare: 1951 No 22 s 21(8), (9)

Section 76(3)(b)(i): amended, on 26 April 2005, by section 46 of the Civil Union Act 2004 (2004 No 102).

Section 76(3)(c): amended, on 7 July 2010, by section 12 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2010 (2010 No 49).

Section 76(4): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

**77 Restrictions on searches where error relating to person's sex has been corrected or sexual assignment or reassignment has been registered**

- (1) In this section, **birth information**, in relation to any person, means information recorded under this Act or a former Act as information relating to the person's birth.
- (2) This subsection applies to information if—
  - (a) it is birth information relating to a person's sex; and it has later been corrected under section 84 or a corresponding provision of a former Act; or
  - (b) it is information relating to the correction under section 84 or a corresponding provision of a former Act of birth information relating to a person's sex.
- (3) This subsection applies to information if—
  - (a) it is birth information specifying names for a person; and—
    - (i) after it was recorded the birth information relating to the person's sex has been corrected under section 84 or a corresponding provision of a former Act; and
    - (ii) after the correction was made, new names adopted by the person have been recorded as birth information; or
  - (b) it is information relating to the recording, after the correction under section 84 of birth information relating to a person's sex, of new names adopted by the person.
- (4) This subsection applies to information if—
  - (a) it is birth information that a person is a person of indeterminate sex; and after it was recorded there has been recorded under Part 5 birth information that the person is a person of a particular sex; or
  - (b) it is information to the effect that a person's birth information at one time did not include any information relating to the person's sex; and there has since been recorded under Part 5 information that the person is a person of a particular sex; or

- (c) it is birth information that a person is a person of a particular sex; and after it was recorded there has been recorded under Part 5 information that the person is a person of the opposite sex; or
  - (d) it is information relating to the recording under Part 5 of information that a person is a person of a particular sex, or the sex opposite to that recorded when birth information relating to the person was first recorded; or
  - (e) it is birth information specifying names for a person; and—
    - (i) after it was recorded there has been recorded under Part 5 information that the person is a person of a particular sex or the sex opposite to that recorded when the names were recorded; and
    - (ii) after the sex information was recorded, names other than those specified in the birth information have, in accordance with this Act, been recorded as birth information; or
  - (f) it is information relating to the recording, for the first time after the recording under Part 5 of information that a person is a person of a particular sex or the sex opposite to that recorded when birth information relating to the person was first recorded, of new names adopted by the person.
- (5) No person other than the Registrar-General shall permit a person to inspect any document containing information to which subsection (2) or subsection (3) or subsection (4) applies, or provide any person with a print-out or copy of any such document or a print-out of any such information.
- (6) The Registrar-General may permit a person to inspect any document containing information to which subsection (4) applies, or provide any person with a print-out or copy of any such document or a print-out of any such information, if satisfied—
- (a) that the person is the person to whom the information relates; or
  - (b) that—
    - (i) the person wishes to inspect the document or have the print-out or copy for a purpose in connection with the administration of an estate or trust; and
    - (ii) the person is executor, administrator, or trustee of the estate or trust; and
    - (iii) the information is material for the purpose; or
  - (c) that—
    - (i) the person wishes to inspect the document or have the print-out or copy for the purpose of investigating whether or not the parties to a proposed marriage are a man and a woman; and
    - (ii) the person is a celebrant or Registrar; and
    - (iii) the information is material for the purpose.



- (7) The Registrar-General may permit a person to inspect any document containing information to which subsection (3) or subsection (4) applies, or provide any person with a print-out or copy of any such document or a print-out of any such information, if satisfied that—
- (a) the person who wishes to inspect the document or have the print-out or copy is the person to whom the information relates; or
  - (b) 120 years has passed since the birth of the person to whom the information relates.
- (8) Except as provided in subsections (6) and (7), the Registrar-General shall not permit a person to inspect any document containing information to which subsection (2) or subsection (3) or subsection (4) applies, or provide any person with a print-out or copy of any such document or a print-out of any such information, except on the order of the Family Court, the District Court, or the High Court, made—
- (a) for the purposes of a prosecution for making a false statement; or
  - (b) in the event of any question as to the validity of a marriage; or
  - (c) in the event of any question as to the validity of any information recorded under section 30(1); or
  - (d) on any other special ground.
- (9) Notwithstanding anything in this Act, the Registrar-General may notify any government agency that has an interest in ensuring that people should not have more than 1 identity of—
- (a) the fact that any person has had the person's sexual assignment or reassignment registered under section 30(1), or has had birth information relating to the person's sex corrected under section 84;
  - (b) the person's names at the time;
  - (c) any new names later adopted by the person.

Section 77(8): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 77(8)(c): amended, on 28 July 1997, by section 5 of the Births, Deaths, and Marriages Registration Amendment Act 1997 (1997 No 35).

Section 77(9)(a): amended, on 28 July 1997, by section 5 of the Births, Deaths, and Marriages Registration Amendment Act 1997 (1997 No 35).

## **78 Restrictions on searches relating to new names of certain witnesses, etc**

- (1) While section 65 applies to a person, no person other than the Registrar-General shall permit any person to inspect, or obtain a copy or print-out of any information contained in, any document relating to the acquisition of the new identity the Registrar-General has been directed to protect.

- (2) The Registrar-General may permit a person (in this subsection referred to as the **applicant**) to inspect, or obtain a copy of or print-out of any information contained in, the document if satisfied that the person to whom it relates—
  - (a) is the applicant; or
  - (b) has given the Registrar-General written consent to the applicant's inspecting it; or
  - (c) is dead; or
  - (d) was born more than 120 years ago.
- (3) Except as provided in subsection (2), the Registrar-General shall not permit any person to inspect, or obtain a copy of or print-out of any information contained in, the document, except on the order of the Family Court, the District Court, or the High Court, made—
  - (a) for the purposes of a prosecution for making a false statement; or
  - (b) in the event of any question as to the validity of a marriage or civil union; or
  - (c) on any other special ground.
- (4) The Registrar-General may notify a government agency that has an interest in ensuring that people do not have more than 1 identity of the fact that section 65 applies to a person and provide details about the person, such as the person's date of birth, former name, and new name, to the agency.
- (5) However, the Registrar-General may do so only if he or she has the written approval of—
  - (a) the Commissioner of Police, in the case of a new identity created as the result of a request made under section 65(1)(a); or
  - (b) the Director-General of an intelligence and security agency, if the new identity was created as the result of a request made under section 65(1)(b).
- (6) Subsections (7) and (8) apply if a person requests, under this Act, birth information, death information, marriage information, civil union information, or name change information of a person for whom a new identity has been created.
- (7) The Registrar-General must, as soon as practicable,—
  - (a) cause the person who has the new identity to be notified that the information has been requested, if the Registrar-General has the person's latest contact details; and
  - (b) also notify—
    - (i) the Commissioner of Police, if the new identity was created as a result of a request under section 65(1)(a); or

- (ii) the Director-General of an intelligence and security agency, if the new identity was created as the result of a request made under section 65(1)(b).
- (8) The Registrar-General may also inform the person who has the new identity and the Commissioner of Police or the Director-General of the relevant intelligence and security agency (whichever is notified under subsection (7)) of the following information:
- (a) the date and time of the request:
  - (b) the name, address, and contact details (if known) of the person who made the request:
  - (c) the information requested:
  - (d) the information (if any) provided to the person as a result of the request.

Section 78(3): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 78(3)(b): amended, on 26 April 2005, by section 46 of the Civil Union Act 2004 (2004 No 102).

Section 78(4): substituted, on 24 January 2009, by section 28 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 78(5): added, on 24 January 2009, by section 28 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 78(5)(b): replaced, on 28 September 2017, by section 249(1) of the Intelligence and Security Act 2017 (2017 No 10).

Section 78(6): added, on 24 January 2009, by section 28 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 78(7): added, on 24 January 2009, by section 28 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 78(7)(b)(ii): replaced, on 28 September 2017, by section 249(2) of the Intelligence and Security Act 2017 (2017 No 10).

Section 78(8): added, on 24 January 2009, by section 28 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 78(8): amended, on 28 September 2017, by section 249(3) of the Intelligence and Security Act 2017 (2017 No 10).

**78A Disclosure of birth information, death information, marriage information, civil union information, and name change information to certain agencies for certain purposes**

- (1) The purpose of this section is to authorise the disclosure of birth information, death information, marriage information, civil union information, and name change information to certain agencies for certain purposes.
- (2) The Registrar-General and the chief executive of an agency listed in the first column of Schedule 1A may enter into an agreement for the disclosure by the Registrar-General to the chief executive of any information described in the second column of that schedule in relation to the agency only for the purpose described in the third column of that schedule in relation to the information.

- (3) An agreement entered into under subsection (2) may be varied by the Registrar-General and the chief executive.
- (4) The Registrar-General may disclose birth information, death information, marriage information, civil union information, and name change information to the chief executive under this section only in accordance with Schedule 1A and an agreement entered into under subsection (2).
- (4A) Sections 74, 75A(2)(b), 75B(2), and 75D(2) do not apply if this section applies.
- (4B) On or after 1 December 2020, no information may be supplied under this section except under—
- (a) an information matching agreement entered into under Part 10 of the Privacy Act 1993 and continued by clause 11 of Schedule 1 of the Privacy Act 2020; or
  - (b) an information matching agreement entered into under subpart 4 of Part 7 of the Privacy Act 2020; or
  - (c) an approved information sharing agreement entered into under subpart 1 of Part 7 of the Privacy Act 2020.
- (5) *[Repealed]*
- (6) In this section, a reference to the **chief executive of an agency** means, in the case of the Government Superannuation Fund Authority or the National Provident Fund, a reference to the Board of the Government Superannuation Fund Authority or, as the context requires, the Board of Trustees of the National Provident Fund.

Section 78A: inserted, on 27 September 2001, by section 3 of the Births, Deaths, and Marriages Registration Amendment Act 2001 (2001 No 56).

Section 78A heading: amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Section 78A heading: amended, on 24 January 2009, by section 29(1) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 78A heading: amended, on 26 April 2005, by section 46 of the Civil Union Act 2004 (2004 No 102).

Section 78A(1): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Section 78A(1): amended, on 24 January 2009, by section 29(2) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 78A(1): amended, on 26 April 2005, by section 46 of the Civil Union Act 2004 (2004 No 102).

Section 78A(2): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Section 78A(4): amended, on 27 February 2013, by section 4 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2013 (2013 No 3).

Section 78A(4): amended, on 24 January 2009, by section 29(3) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 78A(4): amended, on 26 April 2005, by section 46 of the Civil Union Act 2004 (2004 No 102).

Section 78A(4A): inserted, on 24 January 2009, by section 29(4) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 78A(4B): inserted, on 1 December 2020, by section 190 of the Privacy Act 2020 (2020 No 31).

Section 78A(5): repealed, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Section 78A(6): added, on 24 January 2009, by section 29(5) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 78A(6): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

**78AA Disclosure of birth information, death information, marriage information, civil union information, and name change information under approved information sharing agreement**

- (1) The Registrar-General may share the following personal information about an identifiable individual under an approved information sharing agreement:
  - (a) birth information:
  - (b) death information:
  - (c) marriage information:
  - (d) civil union information:
  - (e) name change information.
- (2) This section does not limit section 74.
- (3) This section and section 78A do not limit each other, and section 78A does not prevent the Registrar-General from entering into an information sharing agreement with any agency to share information of the kind specified in subsection (1).
- (4) Subsection (1) applies whether or not a non-disclosure direction is in force in respect of any or all of the personal information about an identifiable individual referred to in that subsection.
- (5) *[Repealed]*

Section 78AA: inserted, on 27 February 2013, by section 5 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2013 (2013 No 3).

Section 78AA(5): repealed, on 22 August 2017, by section 12 of the Enhancing Identity Verification and Border Processes Legislation Act 2017 (2017 No 42).

**78AB Disclosure of birth information, death information, marriage information, civil union information, and name change information for law enforcement purposes**

- (1) This section applies if a specified agency has reason to suspect that a particular individual—
  - (a) is, or is liable to be, detained under an enactment:
  - (b) is, or is liable to be, arrested under a warrant issued by a court or any Registrar:

- (c) is contravening, or is about to contravene, an enactment or a court order:
  - (d) is liable to be prosecuted for an offence punishable by imprisonment:
  - (e) is, or is liable to be, detained or arrested in respect of a traffic offence:
  - (f) is endangering, or is threatening to endanger, the life, health, or safety of a person or group of persons:
  - (g) is injured or dead.
- (2) If this section applies, the Registrar-General may, despite the existence or absence of an approved information sharing agreement, share the following personal information about the particular individual with the specified agency:
- (a) birth information:
  - (b) death information:
  - (c) marriage information:
  - (d) civil union information:
  - (e) name change information.
- (3) This section does not limit section 74, 78A, or 78AA.
- (4) Subsection (1) applies whether or not a non-disclosure direction is in force in respect of any or all of the personal information about an identifiable individual referred to in that subsection.
- (5) For the purposes of this section, **specified agency** means any of the following:
- (a) the Department of Corrections:
  - (b) the Department of Internal Affairs:
  - (c) the part of the Ministry of Business, Innovation, and Employment that administers the Immigration Act 2009:
  - (d) the Ministry of Justice:
  - (e) the Ministry of Transport:
  - (f) the New Zealand Customs Service:
  - (g) the New Zealand Police:
  - (h) the New Zealand Transport Agency.

Compare: 1993 No 28 s 97; 1996 No 27 s 32C(1); 2009 No 51 s 4

Section 78AB: inserted, on 22 August 2017, by section 13 of the Enhancing Identity Verification and Border Processes Legislation Act 2017 (2017 No 42).

## **78B Information matching to trace unregistered births**

*[Repealed]*

Section 78B: repealed, on 1 December 2020, by section 190 of the Privacy Act 2020 (2020 No 31).

**78C Disclosure of statistical information**

The Registrar-General may publish or otherwise disclose statistical information obtained from registered information if he or she is of the opinion that the statistical information may be of interest to the public and is not readily available elsewhere.

Section 78C: inserted, on 24 January 2009, by section 30 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

**78D Registrar-General may share name change information and death information with foreign registration authorities**

- (1) The Registrar-General may supply to a foreign registration authority name change information or death information, or both, relating to a person whose birth is registered in the State in which the foreign registration authority has jurisdiction.
- (2) Subsection (1) is subject to section 78E.
- (3) Without limiting his or her discretion under subsection (1), the Registrar-General may decide not to supply name change information under that subsection if the person who is the subject of the name change information satisfies the Registrar-General that the name change information should not be supplied because of exceptional circumstances of a humanitarian or other nature relating to that person.
- (4) The Registrar-General may obtain, hold, and use information from a foreign registration authority relating to a name change or death of a person in the State in which the foreign registration authority has jurisdiction—
  - (a) whose birth is registered; or
  - (b) who is a New Zealand citizen or is entitled, under the Immigration Act 2009, to be in New Zealand indefinitely.

Section 78D: inserted, on 24 January 2009, by section 30 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 78D(4)(b): amended, at 2 am on 29 November 2010, by section 406(1) of the Immigration Act 2009 (2009 No 51).

**78E Supply of information to foreign registration authorities must be in accordance with written agreement**

- (1) The supply of information under section 78D must be in accordance with a written agreement that complies with subsection (2) between the Registrar-General and the foreign registration authority concerned.
- (2) An agreement must state—
  - (a) the purpose of the agreement; and
  - (b) the information that can be supplied; and
  - (c) the method by which, and the form in which, the information may be supplied; and

- (d) how the foreign registration authority will use the information (including the limits on any further disclosure by the foreign registration authority); and
  - (e) the fees (if any) payable for the supply of the information.
- (3) An agreement may be varied by the Registrar-General and the foreign registration authority in writing.
  - (4) The Registrar-General must consult with the Privacy Commissioner before entering into or varying an agreement.
  - (5) The Privacy Commissioner may require the Registrar-General to review an agreement, and report on the outcome of the review to the Privacy Commissioner, at intervals not shorter than 12 months.

Section 78E: inserted, on 24 January 2009, by section 30 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

**78F Disclosure of death information to non-government organisations for certain purposes**

- (1) The Registrar-General may disclose death information to an appropriate non-government organisation, private sector agency, or person (the **other party**) for the purpose of removing or suppressing the names of deceased persons from a database held by the other party.
- (2) The Registrar-General may not disclose information that is protected by any of sections 63 to 66.
- (3) No disclosure may be made unless—
  - (a) there is an agreement between the Registrar-General and the other party that states—
    - (i) the purpose of the agreement; and
    - (ii) the information that can be disclosed; and
    - (iii) the method and form of the disclosure; and
    - (iv) how the other party will use the information (including the limits on any further disclosure by the other party); and
    - (v) the fees (if any) payable for disclosure of the information; and
  - (b) the disclosure is in accordance with the agreement.
- (4) An agreement may be varied by the Registrar-General and the other party in writing.
- (5) The Registrar-General and the other party must consult with the Privacy Commissioner before entering into or varying an agreement.
- (6) The Privacy Commissioner may require the Registrar-General and the other party to review the agreement, and report on the outcome of the review to the Privacy Commissioner, at intervals not shorter than 12 months.



- (7) The other party that obtains information under this section must not intentionally do, or permit another person to do, any of the following:
- (a) change or manipulate the information into a form different from the form in which it was provided:
  - (b) place the information on the Internet or otherwise make it available for public search:
  - (c) use or disclose the information for a purpose other than the purpose specified in the agreement.
- (8) Subsection (7)(b) does not prevent the other party that obtains information under this section from placing the information on an Internet site that is not generally available to members of the public if the Registrar-General so agrees.

Section 78F: inserted, on 24 January 2009, by section 30 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

#### **78G Definition for sections 78H and 78I**

In sections 78H and 78I, **historical information** means information that relates to—

- (a) a birth (excluding still-births) that occurred 100 years ago or more:
- (b) a still-birth that occurred 50 years ago or more:
- (c) a marriage or civil union that occurred 80 years ago or more:
- (d) a name change for a person whose birth is registered outside New Zealand and who was born 100 years ago or more:
- (e) a death that occurred 50 years ago or more, or if 80 years or more has passed since the birth of the deceased person.

Section 78G: inserted, on 24 January 2009, by section 30 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

#### **78H Registrar-General may make certain historical information available**

- (1) The Registrar-General may make historical information available for search by the public (including on an Internet site) on payment of the prescribed fee (if any).
- (2) The Internet site must be maintained by, or on behalf of, the Registrar-General.
- (3) The historical information that the Registrar-General may make available on the Internet site is,—
- (a) for births (excluding still-births), any or all of the following information that is registered:
    - (i) the name, all registered name changes, and sex of the person born:
    - (ii) the date of the birth:
    - (iii) the place of the birth or the place where it was registered, or both:
    - (iv) the mother's name:

- (v) the father's name:
- (vi) the registration number; and
- (b) for still-births, any or all of the following information that is registered:
  - (i) the name and sex of the person who was still-born:
  - (ii) the date of the still-birth:
  - (iii) the place of the still-birth or the place where it was registered, or both:
  - (iv) the mother's name:
  - (v) the father's name:
  - (vi) the registration number; and
- (c) for marriages and civil unions, any or all of the following information that is registered:
  - (i) the names of the people who married or entered into a civil union:
  - (ii) the date of the marriage or civil union:
  - (iii) the place of the marriage or civil union or the place where it was registered, or both:
  - (iv) the registration number; and
- (d) for name changes, any or all of the following information that is registered:
  - (i) the person's full name before the first registered name change:
  - (ii) in relation to each time the person has registered a name change, the person's new full name:
  - (iii) the date of birth of the person:
  - (iv) the place of birth of the person:
  - (v) the registration number; and
- (e) for deaths, any or all of the following information that is registered:
  - (i) the name at birth, name at death, and sex of the person who died:
  - (ii) the date of the death:
  - (iii) the place where the person died or the place where it was registered, or both:
  - (iv) the date of birth of the person who died or the age of the person on death, or both:
  - (v) the registration number.
- (4) Subsection (3) is subject to sections 75A(2)(b) and 75B(2).
- (5) If this section applies, sections 74(2)(e) and (3) and 75D(2) do not apply.

Section 78H: inserted, on 24 January 2009, by section 30 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

**78I Index information must not be made available on Internet**

- (1) Index information must not be made available intentionally on an Internet site.
- (2) Index information that is made available on an Internet site before the commencement of this section must be removed from the site within 14 days after the commencement of this section.
- (3) However, index information may be made available on an Internet site (or remain available if it is available on the site before the commencement of this section) if—
  - (a) the information is in a form that could not reasonably be expected to identify any particular person; or
  - (b) the person who makes the information available—
    - (i) is the subject of the information; or
    - (ii) has been granted a power of attorney or given written authority to make the information available by the person who is the subject of the information; or
  - (c) the information is historical information.
- (4) Index information may be made available on an Internet site under subsection (3)(b)(ii) only to the extent that the power of attorney or written authority does not prohibit making available the information on the Internet.
- (5) In this section,—

**index information** means information obtained under section 74(2) before the commencement of this section, or section 39B(2) of the Births and Deaths Registration Act 1951, or part of the information obtained

**Internet site** includes part of an Internet site that is not generally accessible to members of the public.

Section 78I: inserted, on 24 January 2009, by section 30 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

**78J Review of operation of sections 74 to 75G, 78F, and 78H**

- (1) As soon as practicable after the expiry of the period of 5 years beginning on the commencement of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008, the Minister must—
  - (a) review the operation of sections 74 to 75G, 78F, and 78H since the date of that commencement; and
  - (b) prepare a report of the review that includes recommendations on whether any amendments to those sections are necessary or desirable; and
  - (c) present a copy of the report to the House of Representatives.
- (2) In preparing the report, the Minister must consult with interested parties (including the Privacy Commissioner and the Chief Archivist).

Section 78J: inserted, on 24 January 2009, by section 30 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

### **78K Disclosure of certain information for purposes of Identity Information Confirmation Act 2012**

- (1) Any information specified in subsection (2) in relation to an individual about whom an identity information check was carried out under section 9 of the Identity Information Confirmation Act 2012 may be disclosed to an agency or intermediary (within the meaning of that Act) if the check indicates that death information or name change information is recorded for that individual.
- (2) The information referred to in subsection (1) is as follows:
  - (a) that the individual is dead:
  - (b) that name change information in relation to the individual exists.

Section 78K: inserted, on 19 December 2012, by section 22 of the Identity Information Confirmation Act 2012 (2012 No 124).

## **Part 10 Registrar-General and Registrars**

### **79 Registrar-General**

- (1) There shall from time to time be appointed under the Public Service Act 2020 a Registrar-General.
- (2) The Registrar-General is charged with the general administration of this Act.
- (3) Subject to this Act, every Registrar shall exercise and perform powers and duties under this Act in accordance with the directions for the time being (if any) of the Registrar-General.

Compare: 1951 No 22 s 3

Section 79(1): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

### **80 Deputy Registrar-General**

- (1) There shall from time to time be appointed under the Public Service Act 2020 1 or more Deputy Registrars-General as may be desirable for the effective and efficient administration of this Act.
- (2) Subject to the control of the Registrar-General, a Deputy Registrar-General has and may exercise and perform any of the powers, functions, and duties of the Registrar-General.
- (3) On the occurrence from any cause of a vacancy in the office of Registrar-General (whether by reason of death or resignation or otherwise) or in the absence (from whatever cause arising) of the Registrar-General, and for so long as the vacancy or absence continues,—
  - (a) the Deputy Registrar-General if there is only 1; or

- (b) a Deputy Registrar-General authorised in writing in that behalf by the chief executive of the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act (before, on, or after the occurrence of the vacancy or absence) in every other case,—

has and may exercise and perform all the powers, functions, and duties of the Registrar-General.

- (4) The fact that a Deputy Registrar-General exercises or performs any power, function, or duty of the Registrar-General is conclusive evidence of the Deputy Registrar-General's authority to do so; and no authority given under subsection (3)(b), and no act done by a Deputy Registrar-General under any such authority or under subsection (2) or subsection (3), shall in any proceedings be questioned on the ground that the occasion for the giving of the authority had not arisen or had ceased, or that the act was contrary to a direction of the Registrar-General.

Compare: 1951 No 22 s 3

Section 80(1): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 80(3)(b): amended, on 1 October 1995, by section 10(3) of the Department of Justice (Restructuring) Act 1995 (1995 No 39).

## **81 Registrars**

- (1) There shall from time to time be appointed such number of persons to be Registrars as is necessary for the purposes of this Act or any other Act under which Registrars exercise functions.
- (2) Appointments under subsection (1) shall,—
- (a) in the case of persons who on their appointment will become employed in the public service, be in accordance with the Public Service Act 2020; and
- (b) in every other case, be in writing under the hand of the Registrar-General, specifying either—
- (i) the name of the person appointed; or
- (ii) an office whose holder for the time being is to hold the appointment; and
- (c) specify whether the person appointed, or the office holder, is to exercise and perform all or some of the powers, functions, and duties of a Registrar under this Act or any other Act under which Registrars exercise functions and, if some only, which of those powers, functions, and duties.

Compare: 1951 No 22 s 4(1), (2); 1982 No 61 s 2(1)

Section 81(1): amended, on 24 January 2009, by section 31(1) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 81(2)(a): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 81(2)(c): amended, on 24 January 2009, by section 31(2) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

## Part 11

### Powers of inquiry and correction and updating of records

Part 11 heading: substituted, on 24 January 2009, by section 32 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

#### 82 Registrar-General's powers of inquiry in relation to registrable events

- (1) The Registrar-General may, if he or she considers it reasonably necessary for the purposes of this Act, make inquiries—
  - (a) to determine whether a registrable event has occurred; or
  - (b) to collect details of a registrable event; or
  - (c) to ensure that there is a correct record of a registrable event.
- (2) The Registrar-General may also require a person who provides information under this section to make a statutory declaration on a form provided by the Registrar-General for the purpose or to provide other evidence in support of the information provided.
- (3) The Registrar-General may delegate his or her powers under this section to 1 or more Registrars.
- (4) In this section, **registrable event** means an adoption, birth, death, marriage, civil union, name change, or sexual assignment or reassignment.

Section 82: substituted, on 24 January 2009, by section 33 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 82 heading: amended, on 16 December 2017, by section 8 of the Electronic Interactions Reform Act 2017 (2017 No 50).

#### 82A Registrar-General's powers of inquiry in relation to information provided or verified electronically

- (1) The Registrar-General may, if he or she considers it reasonably necessary for the purposes of this Act, the Marriage Act 1955, or the Civil Union Act 2004, make inquiries to satisfy himself or herself that—
  - (a) any information verified electronically under section 21A of this Act, section 11 or Schedule 1 of the Civil Union Act 2004, or section 9, 10, 23, 32B, or 42 of the Marriage Act 1955 is true; or
  - (b) an application, statement, or certificate approved electronically under clause 1 of Schedule 1 of the Civil Union Act 2004 or section 9, 10, or 32B of the Marriage Act 1955 is approved by the required persons.

- (2) The Registrar-General may also require a person who verifies a statement electronically under section 21A(2)(c)(i) to make a statutory declaration in support of the statement.
- (3) The Registrar-General may also require a person who verifies information electronically under clause 1 of Schedule 1 of the Civil Union Act 2004 or section 9, 10, or 32B of the Marriage Act 1955 to make a statutory declaration in support of the information.
- (4) The Registrar-General may also require a person who verifies information electronically under section 11 of the Civil Union Act 2004 or section 23 or 42 of the Marriage Act 1955 to appear personally before a Registrar to make a statutory declaration in support of the information.
- (5) The Registrar-General may delegate his or her powers under this section to 1 or more Registrars.

Section 82A: inserted, on 16 December 2017, by section 9 of the Electronic Interactions Reform Act 2017 (2017 No 50).

### **83 Registrars must decline to record certain information**

- (1) If a Registrar is satisfied (on reasonable grounds) after making any inquiries under section 82 that seem appropriate, that information in respect of a birth, death, marriage, civil union, or name change is or is likely to be incorrect, he or she must decline to record the information.
- (2) This section overrides anything in this Act to the contrary and is in addition to the powers of the Registrar-General under sections 24(2), 24(3)(b), 25(b), and 31.

Section 83: substituted, on 24 January 2009, by section 33 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 83(2): amended, on 19 August 2013, by section 9 of the Marriage (Definition of Marriage) Amendment Act 2013 (2013 No 20).

### **84 Correction of errors**

- (1) If a Registrar is satisfied, after making any inquiries under section 82 that seem appropriate, that information recorded under this Act or a former Act contains a clerical error, he or she must correct the error and notify the Registrar-General of the error and its correction.
- (2) If the Registrar-General is satisfied, after making any inquiries under section 82 that seem appropriate, that any information—
  - (a) recorded under this Act or a former Act is incorrect, he or she must cause it to be removed and (if the Registrar-General is satisfied that relevant information in the Registrar-General's possession is correct) cause the correct information to be substituted; or
  - (b) in the Registrar-General's possession and not recorded under this Act or a former Act is correct and should have been recorded, he or she must cause the information to be recorded.

Section 84: substituted, on 24 January 2009, by section 33 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

#### **84A Amendments to birth registrations to include details of parents under Part 2 of Status of Children Act 1969**

- (1) The Registrar-General must amend a person's birth information in accordance with subsection (2) if the Registrar-General is satisfied, after making any inquiries under section 82 that seem appropriate, that—
  - (a) the person was conceived as a result of an AHR procedure to which Part 2 of the Status of Children Act 1969 applies; and
  - (b) the person's birth information does not include information about a parent of the person as determined under that Act, or includes information about a person purporting to be a parent but who is not a parent in terms of that Act.
- (2) The Registrar-General must amend the birth information by adding or deleting (or both) information described in subsection (1)(b).
- (3) In this section, **AHR procedure** has the same meaning as in section 15 of the Status of Children Act 1969.

Section 84A: inserted, on 24 January 2009, by section 33 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

#### **85 Family Court may consider proposed corrections in cases of difficulty or dispute**

- (1) The Registrar-General, if uncertain as to any matter in respect of which the Registrar-General is required to be satisfied for the purposes of section 84 or 84A, may apply to the office of the Family Court nearest the Registrar-General's office to have the matter determined.
- (2) Any person who wishes the Registrar-General to act under section 84 or 84A in respect of any matter may apply to the office of the Family Court nearest the Registrar-General's office to have the matter determined.
- (3) The Family Court at the office where application is made under this section shall, notwithstanding section 84 or 84A, after—
  - (a) giving every person whom the court considers to have an interest in the matter an opportunity to be heard; and
  - (b) receiving any evidence the court thinks fit,—determine whether or not the Registrar-General should act under that section.

Section 85(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 85(1): amended, on 24 January 2009, by section 34(1) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 85(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).



Section 85(2): amended, on 24 January 2009, by section 34(2) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 85(3): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 85(3): amended, on 24 January 2009, by section 34(3) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

**85A Health information may be used to correct records**

- (1) The chief executive of the department for the time being responsible for administering the New Zealand Public Health and Disability Act 2000 may—
  - (a) advise the Registrar-General of an apparent omission or error if he or she believes on reasonable grounds that a person's birth or death has not been registered under this Act or has been registered incorrectly; and
  - (b) provide to the Registrar-General sufficient information to allow the error or omission to be corrected.
- (2) The Registrar-General may correct birth information or death information in accordance with information provided under this section.

Section 85A: inserted, on 24 January 2009, by section 35 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

**85B Information recorded under Act may be used to update information kept under Human Assisted Reproductive Technology Act 2004**

- (1) The Registrar-General may use registered information to update HART information.
- (2) However, the Registrar-General may do so only if he or she is satisfied that the registered information relates to a donor, donor offspring, or donor offspring's guardian, about whom HART information is kept.
- (3) In this section,—

**donor**, **donor offspring**, and **guardian** have the same meaning as in the Human Assisted Reproductive Technology Act 2004

**HART information** means information kept by the Registrar-General under Part 3 of the Human Assisted Reproductive Technology Act 2004

**registered information** means birth information, death information, or name change information.

Section 85B: inserted, on 24 January 2009, by section 35 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

## Part 11A

### Miscellaneous provisions

Part 11A heading: added, on 24 January 2009, by section 36 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

#### **86 Entries relating to illegitimate children**

All entries in any register made pursuant to section 25 of the Births and Deaths Registration Act 1924 or the corresponding provisions of any former Act shall continue to be deemed to be expunged and deleted.

Compare: 1951 No 22 s 40

#### **87 Statutory declarations**

The Registrar-General and every Registrar shall, in respect of any statutory declaration made for the purposes of this Act, the Marriage Act 1955, or the Civil Union Act 2004, be deemed to be persons duly authorised to take and receive a statutory declaration under section 9 of the Oaths and Declarations Act 1957.

Compare: 1951 No 22 s 44

Section 87: amended, on 26 April 2005, by section 46 of the Civil Union Act 2004 (2004 No 102).

#### **87A Provision of information to Statistics New Zealand**

This Act does not limit the provision of information under the Statistics Act 1975.

Section 87A: inserted, on 24 January 2009, by section 37 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

#### **87AB Access to information for purposes of Identity Information Confirmation Act 2012**

Nothing in this Act limits access to information that is recorded under this Act if the access is for the purposes of, and in accordance with, the Identity Information Confirmation Act 2012.

Section 87AB: inserted, on 19 December 2012, by section 22 of the Identity Information Confirmation Act 2012 (2012 No 124).

#### **87B Registrar-General may issue standard forms**

- (1) The Registrar-General may issue forms (including electronic forms) requiring information or setting out information that may be provided for the purposes of this Act.
- (2) Information required by the forms must be prescribed by regulations and may include information prescribed to be contained in certificates under this Act.

Section 87B: inserted, on 24 January 2009, by section 37 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 87B(1): amended, on 16 December 2017, by section 10 of the Electronic Interactions Reform Act 2017 (2017 No 50).

## 88 Regulations

- (1) The Governor-General may, by Order in Council, make regulations—
  - (a) prescribing fees to be paid for the purposes of this Act:
  - (ab) specifying the grounds on which a request for a non-disclosure direction may be made to the Registrar-General under section 75A(2)(b):
  - (ac) specifying the grounds on which a request for the reinstatement of a non-disclosure direction may be made to the Registrar-General under section 75B(4)(b):
  - (ad) prescribing the period referred to in section 75B(3)(a) for which a non-disclosure direction under section 75A(2)(b) remains in force, including the conditions subject to which any such direction ceases to be in force:
  - (ae) prescribing, for the purposes of section 21A(2)(c)(i), the manner in which information may be verified electronically, including prescribing—
    - (i) when and how the information must be verified:
    - (ii) what evidence must be provided to verify the information:
    - (iii) requirements with which evidence must comply:
  - (b) providing for any other matters contemplated by or necessary for giving full effect to this Act and for its due administration.
- (2) Regulations made under subsection (1) may require the giving and collection of information for the purpose of statistics, including matters to be notified, matters to be registered, or both.
- (3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1951 No 22 s 45

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### Legislation Act 2019 requirements for secondary legislation made under this section

<b>Publication</b>	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Act.*

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Section 88(1)(ab): inserted, on 24 January 2009, by section 38 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 88(1)(ac): inserted, on 24 January 2009, by section 38 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 88(1)(ad): inserted, on 24 January 2009, by section 38 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 88(1)(ae): inserted, on 16 December 2017, by section 11 of the Electronic Interactions Reform Act 2017 (2017 No 50).

Section 88(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

**89 Offences and penalties**

- (1) Every person commits an offence who—
- (a) makes or causes to be made, for the purpose of the recording of any information under this Act, any statement that is, and is known by that person to be, false in relation to any particular matter required to be notified or recorded under this Act:
  - (b) being a person (other than a Registrar) with control of or access to a device on which registered information is stored electronically, knowingly and without the consent of a Registrar—
    - (i) deletes or alters any information stored on the device; or
    - (ii) allows any information stored on the device to be deleted or altered; or
    - (iii) stores any information (whether correct or incorrect) on the device; or
    - (iv) allows any information (whether correct or incorrect) to be stored on the device,—  
(whether directly or by alteration of or damage to the device, its programming, any other device, the programming of any other device, or any electronic storage medium):
  - (c) being a Registrar, knowingly—
    - (i) deletes or alters any registered information stored electronically on any device; or
    - (ii) allows any registered information stored electronically on any device to be deleted or altered; or
    - (iii) stores any information (whether correct or incorrect) on a device on which registered information is stored electronically by or on behalf of the Registrar-General; or
    - (iv) allows any information (whether correct or incorrect) to be stored on a device on which registered information is stored electronically by or on behalf of the Registrar-General,—  
otherwise than in accordance with this Act (whether directly or by alteration of or damage to the device, its programming, any other device, the programming of any other device, or any electronic storage medium):
  - (d) acts in contravention of or fails to comply with any provision of this Act (not being a provision requiring the person to give any notice or information):
  - (e) having had the relevant provision of this Act drawn to the person's attention, fails or refuses to give any information required by this Act to be given:
  - (f) being a Registrar,—

- (i) negligently loses or damages a document containing information recorded under this Act or a former Act, or any part of such a document; or
    - (ii) negligently allows it to be damaged; or
    - (iii) negligently does any act referred to in paragraph (c):
  - (g) makes a written or oral statement, knowing that 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:
  - (h) for a purpose contemplated by this Act, provides any means of identification knowing that it is false or having reason to suspect that it has been forged or falsified:
  - (i) for the purpose of applying for registration of a name change under section 21A, verifies a statement that the person knows to be false and that the person intends to be misleading.
- (2) Every person who commits an offence against subsection (1)(a) or subsection (1)(b) or subsection (1)(c) shall be liable on conviction to imprisonment for a term not exceeding 5 years.
- (2A) A person who commits an offence against subsection (1)(g) or (h) is liable, on conviction, to a term of imprisonment not exceeding 3 months or a fine not exceeding \$10,000, or both.
- (2B) A person who commits an offence against subsection (1)(i) is liable, on conviction, to a term of imprisonment not exceeding 3 years.
- (3) A person who commits any other offence against this Act is liable, on conviction, to a fine not exceeding—
- (a) \$50,000 for a contravention of or failure to comply with section 78F(7) or 78I:
  - (b) \$10,000 for a contravention of or failure to comply with section 42:
  - (c) \$1,000 for—
    - (i) a contravention of or failure to comply with a provision of this Act other than section 42, 78F(7), or 78I; or
    - (ii) an offence against any of subsection (1)(d) to (f).
- (4) Nothing in this section derogates from section 150 of the Crimes Act 1961.

Section 89(1)(g): added, on 24 January 2009, by section 39(1) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 89(1)(h): added, on 24 January 2009, by section 39(1) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 89(1)(i): inserted, on 16 December 2017, by section 12(1) of the Electronic Interactions Reform Act 2017 (2017 No 50).

Section 89(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 89(2): amended, on 24 January 2009, by section 39(2) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 89(2A): inserted, on 24 January 2009, by section 39(3) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 89(2A): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 89(2B): inserted, on 16 December 2017, by section 12(2) of the Electronic Interactions Reform Act 2017 (2017 No 50).

Section 89(3): substituted, on 24 January 2009, by section 39(3) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 89(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

### 89A Electronic transactions

- (1) 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 thinks fit.
- (2) If allowing a transaction to be conducted electronically, the Registrar-General may dispense with a requirement that a signature be provided.
- (2A) A requirement for a court or its Registrar to give notice (in the case of section 23), or to send a certificate (in the case of section 59, 60, 62E, or 62F), to the Registrar-General is satisfied by the Ministry of Justice providing the Registrar-General with the required information by electronic means.
- (2B) To avoid doubt,—
  - (a) the Ministry of Justice satisfies the requirements of subsection (2A) by providing the information required in the notice or certificate (as the case may be), and is not required to provide the actual notice or certificate (whether by electronic means or otherwise):
  - (b) the obligation for a court or its Registrar to give the notice or certificate referred to in subsection (2A) ceases only when the Ministry of Justice has provided the information in accordance with that subsection.
- (3) In this section, **transaction** has the same meaning as in section 209 of the Contract and Commercial Law Act 2017.

Section 89A: inserted, on 24 January 2009, by section 40 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 89A(2A): inserted, on 5 December 2013, by section 4 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act (No 2) 2013 (2013 No 109).

Section 89A(2B): inserted, on 5 December 2013, by section 4 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act (No 2) 2013 (2013 No 109).

Section 89A(3): amended, on 1 September 2017, by section 347 of the Contract and Commercial Law Act 2017 (2017 No 5).

**90 No prosecution without authority of Registrar-General**

No prosecution for an offence against this Act shall be commenced without the authority of the Registrar-General.

Compare: 1951 No 22 s 49

**91 Fees**

- (1) If empowered by this Act or any other Act to do any act for which a fee is payable, the Registrar-General or a Registrar may refuse to do the act until the fee is paid.
- (2) Notwithstanding anything in this Act, the Registrar-General (or to the extent that a Registrar is authorised by the Registrar-General to do so, the Registrar) may—
  - (a) dispense with the payment of all or any part of any fee payable under this Act; or
  - (b) refund all or any part of any fee paid under this Act.
- (3) Despite anything in this Act, a fee is not payable, within 10 years after the death of a person, for any of the following in respect of information about that person recorded under section 50:
  - (a) permitting the inspection of a document containing the information:
  - (b) providing access to, or a copy of, a document containing the information:
  - (c) providing a print-out of the information.

Compare: 1951 No 22 ss 36(5), 50

Section 91(3): substituted, on 24 January 2009, by section 41 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

**91A No liability for costs incurred in supplying information**

To avoid doubt, the Crown is not liable for the costs incurred by a person in supplying information required by this Act.

Section 91A: inserted, on 24 January 2009, by section 42 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

**91B Protection for supply of information**

No civil or criminal proceedings may be brought against the Crown, a Registrar, or any other person for the disclosure or supply of information in the course of the exercise or performance or intended exercise or performance of any powers, functions, or duties under this Act, unless it is shown that the information was disclosed or supplied in bad faith.

Section 91B: inserted, on 24 January 2009, by section 42 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

*Amendments to Marriage Act 1955***92 Interpretation**

*Amendment(s) incorporated in the Act(s).*

**93 Issue of marriage licence and information return**

*Amendment(s) incorporated in the Act(s).*

**94 Validity of service marriages**

*Amendment(s) incorporated in the Act(s).*

*Consequential amendments and repeals***95 Consequential amendments**

The enactments specified in Schedule 1 are hereby consequentially amended in the manner specified in that schedule.

**96 Repeals**

The enactments specified in Schedule 2 are hereby repealed.



## Schedule 1A

### Disclosure of information to agencies

s 78A

Schedule 1A: substituted, on 24 January 2009, by section 45 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Schedule 1A heading: amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Agency	Type of information	Purpose
Accident Compensation Corporation	Birth information and name change information	To verify the identity of a claimant, and a claimant's eligibility or continuing eligibility for a benefit
	Marriage information, civil union information, and name change information	To verify a claimant's change of name
	Death information	To identify deceased claimants
Board of Trustees of National Provident Fund	Birth information, marriage information, civil union information, name change information, and death information	To verify the identity of a member or beneficiary of the National Provident Fund, and the eligibility or continuing eligibility of a member or beneficiary for payments under the Fund
Department of Internal Affairs	Birth information, marriage information, civil union information, name change information, and death information	To verify whether a person is eligible— (a) to hold a New Zealand passport: (b) for New Zealand citizenship
	Death information	To identify deceased holders of New Zealand travel documents
Department of Labour	Birth information and name change information	To— (a) verify a person's citizenship status: (b) verify a person's entitlement to reside in New Zealand: (c) update and verify immigration records
	Marriage information and civil union information	To verify the marriage or civil union of a person to a New Zealand citizen
	Death information	To identify deceased holders of temporary entry class visas
Government Superannuation Fund Authority	Birth information, marriage information, civil union information, name change information, and death information	To verify the identity of a member or beneficiary of the Government Superannuation Fund, and the eligibility or continuing eligibility of a member or beneficiary for payments under the Fund
Inland Revenue Department	Birth information, marriage information, civil union information, and name change information	To verify the identity of a person to establish— (a) the tax file number of the person: (b) the details of an applicant for child support: (c) for child support purposes, details of the parentage, birth, and death of

<b>Agency</b>	<b>Type of information</b>	<b>Purpose</b>
		qualifying children or dependent children
	Death information	To identify deceased taxpayers and verify their details
Ministry of Education	Birth information, name change information, and death information	To verify and update information on the National Student Index
Ministry of Health	Birth information, name change information, and death information	To verify and update health information on the National Health Index
	Birth information and death information	To compile mortality statistics
Ministry of Justice	Marriage information and civil union information	To verify a fine defaulter's name change
	Death information	To— <ul style="list-style-type: none"> <li>(a) remove the names of deceased persons from jury lists:</li> <li>(b) remit or enforce payment of fines owed by deceased persons</li> </ul>
Ministry of Justice (Maori Land Court Unit)	Death information	To identify deceased Maori landowners
Ministry of Social Development	Birth information, marriage information, civil union information, name change information, and death information	To— <ul style="list-style-type: none"> <li>(a) verify a person's eligibility or continuing eligibility for benefits, war pensions, grants, loans, or allowances:</li> <li>(b) verify a person's eligibility or continuing eligibility for a community services card or a card the availability of which is based principally on the age and residence of a person, or of his or her spouse or civil union partner, or former spouse or civil union partner:</li> <li>(c) identify debtors, including any person no longer in receipt of a benefit, war pension, grant, loan, or allowance</li> </ul>
New Zealand Transport Agency	Birth information and name change information	To verify details supplied by an applicant for a driver licence
	Marriage information and civil union information	To verify the name change of the holder of a driver licence
	Death information	To identify deceased holders of driver licences

Schedule 1A: amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Schedule 1A: amended, on 1 April 2015, by section 36(2) of the Child Support Amendment Act 2013 (2013 No 12).

Schedule 1A: amended, on 5 December 2013, by section 5 of the Passports Amendment Act 2013 (2013 No 127).

Schedule 1A: amended, on 13 June 2013, by section 43 of the Education Amendment Act 2013 (2013 No 34).

Schedule 1A: amended, at 2 am on 29 November 2010, by section 406(1) of the Immigration Act 2009 (2009 No 51).

Schedule 1A: amended, on 24 January 2009, pursuant to section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

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## Schedule 1

### Consequential amendments

s 95

**Adoption Act 1955 (1955 No 93) (RS Vol 1, p 35)***Amendment(s) incorporated in the Act(s).***Adult Adoption Information Act 1985 (1985 No 127)***Amendment(s) incorporated in the Act(s).***Burial and Cremation Act 1964 (1964 No 75) (RS Vol 16, p 1)***Amendment(s) incorporated in the Act(s).***Privacy Act 1993 (1993 No 28)***Amendment(s) incorporated in the Act(s).***Status of Children Act 1969 (1969 No 18) (RS Vol 4, p 893)***Amendment(s) incorporated in the Act(s).*

## Schedule 2 Enactments repealed

s 96

**Age of Majority Act 1970 (1970 No 137)**

*Amendment(s) incorporated in the Act(s).*

**Births and Deaths Registration Act 1951 (1951 No 22) (RS Vol 1, p 333)**

**Births and Deaths Registration Amendment Act 1953 (1953 No 81) (RS Vol 1, p 369)**

**Births and Deaths Registration Amendment Act 1955 (1955 No 30) (RS Vol 1, p 369)**

**Births and Deaths Registration Amendment Act 1959 (1959 No 25) (RS Vol 1, p 370)**

**Births and Deaths Registration Amendment Act 1961 (1961 No 23) (RS Vol 1, p 370)**

**Births and Deaths Registration Amendment Act 1963 (1963 No 76) (RS Vol 1, p 372)**

**Births and Deaths Registration Amendment Act 1964 (1964 No 79) (RS Vol 1, p 373)**

**Births and Deaths Registration Amendment Act 1969 (1969 No 68) (RS Vol 1, p 373)**

**Births and Deaths Registration Amendment Act 1970 (1970 No 48) (RS Vol 1, p 374)**

**Births and Deaths Registration Amendment Act 1972 (1972 No 49) (RS Vol 1, p 374)**

**Births and Deaths Registration Amendment Act 1976 (1976 No 76) (RS Vol 1, p 374)**

**Births and Deaths Registration Amendment Act 1982 (1982 No 61)**

**Births and Deaths Registration Amendment Act 1991 (1991 No 127)**

**Births and Deaths Registration Amendment Act 1993 (1993 No 29)**

**Citizenship Act 1977 (1977 No 61) (RS Vol 31, p 45)**

*Amendment(s) incorporated in the Act(s).*

**Family Proceedings Act 1980 (1980 No 94)***Amendment(s) incorporated in the Act(s).***Marriage Act 1955 (1955 No 92) (RS Vol 10, p 39)***Amendment(s) incorporated in the Act(s).***Marriage Amendment Act 1959 (1959 No 11)***Amendment(s) incorporated in the Act(s).***Marriage Amendment Act 1966 (1966 No 70)****Marriage Amendment Act 1976 (1976 No 8)***Amendment(s) incorporated in the Act(s).***Marriage Amendment Act 1982 (1982 No 81)***Amendment(s) incorporated in the Act(s).***Marriage Amendment Act 1991 (1991 No 129)****Marriage Amendment Act 1993 (1993 No 31)****Status of Children Act 1969 (1969 No 18)***Amendment(s) incorporated in the Act(s).*

## Notes

### **1** *General*

This is a consolidation of the Births, Deaths, Marriages, and Relationships Registration Act 1995 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### **2** *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### **3** *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### **4** *Amendments incorporated in this consolidation*

Secondary Legislation Act 2021 (2021 No 7): section 3

Public Service Act 2020 (2020 No 40): section 135

Privacy Act 2020 (2020 No 31): sections 190, 217

Family Violence (Amendments) Act 2018 (2018 No 47): sections 33, 34

Social Security Act 2018 (2018 No 32): section 459

Electronic Interactions Reform Act 2017 (2017 No 50): Part 1 subpart 1

Enhancing Identity Verification and Border Processes Legislation Act 2017 (2017 No 42): Part 2 subpart 1

Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31): section 149

Intelligence and Security Act 2017 (2017 No 10): sections 246–249

Contract and Commercial Law Act 2017 (2017 No 5): section 347

Burial and Cremation Amendment Act 2016 (2016 No 74): section 11

District Court Act 2016 (2016 No 49): section 261

Births, Deaths, Marriages, and Relationships Registration Amendment Act 2015 (2015 No 9)

Passports Amendment Act 2013 (2013 No 127): section 5

Births, Deaths, Marriages, and Relationships Registration Amendment Act (No 2) 2013 (2013 No 109)

Education Amendment Act 2013 (2013 No 34): section 43

Marriage (Definition of Marriage) Amendment Act 2013 (2013 No 20): section 9

Child Support Amendment Act 2013 (2013 No 12): section 36(2)

Births, Deaths, Marriages, and Relationships Registration Amendment Act 2013 (2013 No 3)  
Identity Information Confirmation Act 2012 (2012 No 124): section 22  
Criminal Procedure Act 2011 (2011 No 81): section 413  
Births, Deaths, Marriages, and Relationships Registration Amendment Act 2010 (2010 No 49)  
Immigration Act 2009 (2009 No 51): section 406(1)  
Policing Act 2008 (2008 No 72): section 130(1)  
Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48)  
Land Transport Management Amendment Act 2008 (2008 No 47): section 50(1)  
Human Tissue Act 2008 (2008 No 28): section 92  
Coroners Act 2006 (2006 No 38): section 146  
Citizenship Amendment Act 2005 (2005 No 43): section 16  
Public Records Act 2005 (2005 No 40): section 67(1)  
Relationships (Statutory References) Act 2005 (2005 No 3): section 7  
Civil Union Act 2004 (2004 No 102): sections 38, 39, 46  
Care of Children Act 2004 (2004 No 90): section 151  
Visiting Forces Act 2004 (2004 No 59): section 26  
Health Practitioners Competence Assurance Act 2003 (2003 No 48): section 175(1)  
Human Rights Amendment Act 2001 (2001 No 96): section 46  
Health and Disability Services (Safety) Act 2001 (2001 No 93): section 58(1)  
Births, Deaths, and Marriages Registration Amendment Act 2001 (2001 No 56)  
Adoption (Intercountry) Act 1997 (1997 No 109): section 30  
Births, Deaths, and Marriages Registration Amendment Act 1997 (1997 No 35)  
Department of Justice (Restructuring) Act 1995 (1995 No 39): section 10(3)