



Tonga

**BIRTHS, DEATHS AND MARRIAGES  
REGISTRATION (AMENDMENT) ACT 2012**

**Act No. 12 of 2012**





## BIRTHS, DEATHS AND MARRIAGES REGISTRATION (AMENDMENT) ACT 2012

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# **BIRTHS, DEATHS AND MARRIAGES REGISTRATION (AMENDMENT) ACT 2012**

Act No. 12 of 2012

**AN ACT TO MAKE VARIOUS AMENDMENTS TO THE BIRTHS,  
DEATHS AND MARRIAGES REGISTRATION ACT (CAP 42)**

I assent,  
GEORGE TUPOU VI,  
17<sup>th</sup> September 2012.

**BE IT ENACTED** by the King and the Legislative Assembly of Tonga in the Legislature of the Kingdom as follows:

## **1 Short title, interpretation, commencement**

- (1) This Act may be acted as the Births, Deaths and Marriages Registration (Amendment) Act 2012.
- (2) In this Act, the Births, Deaths and Marriages Registration Act is referred to as “the Principal Act”.
- (3) This Act shall commence on such date as appointed by the Prime Minister by Notice in the Gazette.

## **2 Section 2 replaced – Office of Registrar General re-established**

Section 2 of the Principal Act is repealed and replaced with –

**“2 Office of Registrar General**

- (1) The Prime Minister with the consent of Cabinet may appoint a Registrar General of Births, Deaths and Marriages.
- (2) There shall be such sub-registrars as may be appointed by the Registrar General following consultation with the Chief Magistrate and with the consent of the Prime Minister; and a sub-registrar may hold that post in conjunction with any other public office.
- (3) Where a sub-registrar is, by reason of unforeseen circumstances temporarily unable to perform the duties of the office, a Governor or Government Representative may, with the consent of the Prime Minister, be appointed by the Registrar General to act in the place of the sub-registrar.”

**3 Section 3 amended – Persons responsible for informing death**

The figure “\$10” wherever occurring in section 3 of the Principal Act is replaced with the figure “\$100”.

**4 Section 5 amended – Power to make regulations**

The words “with the consent of Cabinet” are inserted after the expression “Registrar General” occurring in section 5 of the Principal Act

**5 Section 12 amended – Ministers solemnizing marriages to be registered**

The expression “Chief Justice” occurring in section 12 of the Principal Act is replaced with the expression “Registrar General”.

**6 Section 13 amended – Penalty for false registration**

The figure “\$100” occurring in section 13 of the Principal Act is replaced with the figure “5,000”.

**7 Section 14 amended – Two witnesses necessary at marriage**

The figure “\$20” occurring in section 14(3) of the Principal Act is replaced by the figure “\$200”.

**8 Section 15 amended – Sub-registrar to keep a register of marriage**

The words “who shall file the same in the Supreme Court Office” occurring in section 15 of the Principal Act are replaced by the following words –

“who shall keep the same at the office of the Registrar General at Nuku’alofa”.

**9 Section 18 amended – Penalty for solemnizing marriage without license**

The figure “\$40” occurring in section 18 of the Principal Act is replaced by the figure “\$1,000”.

**10 Section 21 amended – False declaration, etc. to procure certificates, etc., of marriage**

The figure “\$100” occurring in section 21 of the Principal Act is replaced by the figure “\$5,000”.

**11 Section 22 amended – False information relating to births and deaths**

The figure “\$100” occurring in section 22 of the Principal Act is replaced by the figure “\$1,000”.

**12 Section 24 inserted – Appeal to Supreme Court**

The following new section is inserted into the Principal Act –

**“Right of appeal**

A person in respect of whom a legal determination has been made by the Registrar General may, within 21 days of the determination, seek leave to appeal to the Supreme Court.”.

**13 Forms amended**

In Forms J-84 (*True Copy of Birth Registration*) and J-84A (*Birth Certificate*) in Schedule 5, and in Schedule 6 (*True Copy of Death Registration*) to the Principal Act, the words “seal of the.....Court” is repealed and replaced with “seal”.

**14 Transitional**

- (1) Upon the commencement of this Act, and the appointment of a Registrar-General in accordance with section 2 of the Principal Act, the Chief Justice, Registrar of the Supreme Court, Magistrates and other sub-registrars shall deliver to the Registrar General all materials held by them in connection with Births Deaths and Marriages.

- (2) Any application or other proceeding in process at the time this Act comes into force shall remain active and shall be duly and effectively done and completed as if commenced after this Act comes into force.

Passed by the Legislative Assembly this 3<sup>rd</sup> day of September 2012.