

CONDOMINIUM DES NOUVELLES-HEBRIDES

NEW HEBRIDES CONDOMINIUM

ARRETE CONJOINT 17 de 1970

JOINT REGULATION 17 of 1970

JOINT REGULATION

No. 17 of
1970.

provide for the registration of the Births, Acknowledgements,
Deaths and Marital Status of New Hebrideans.

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MADE by the Resident Commissioners under the provisions of
Articles 2, 7, 8 and 9 of the Anglo-French Protocol of 1914.

1. The registration of the Births, Acknowledgements, Deaths
and Marital Status of New Hebrideans (which expression includes
persons of the aboriginal races of the Pacific who are not citizens
or subjects or under the protection of either of the Governments of
France and Great Britain) shall be conducted according to the
provisions of this Regulation.

PART I

GENERAL

Registration Centres

2. In this Regulation the term "civil status" shall mean as
appropriate, family relationship, birth, marital status and death of
a person.

3. A Registrar-General, appointed by the Resident Commis-
sioners and having an office in Vila, shall be responsible for the
maintenance and verification of the Central Register of Civil Status
in accordance with the provisions of this Regulation, and generally
for the administration of this Regulation.

4. The District Agents shall be Registrars of Civil Status for
their respective districts. The Resident Commissioners may, by Joint
Rules made under this Regulation, subdivide the registration districts
and nominate for each of the areas thus created a Sub-Registrar,
who shall be subordinate to the Registrar. Sub-Registrars may
be granted allowances, the rates of which will be fixed by Joint Rules.

5. Each district and each sub-district shall be supplied with the
premises and equipment necessary for such purposes.

Registers of Civil Status

Births, acknowledgements, deaths, marriages, dissolutions
and nullifications of marriage shall be entered in the order in which
they are declared in three separate registers as provided hereafter,
to be kept by the Registrar or Sub-Registrar—

(a) a register for births and acknowledgements;

a register for marriages and dissolutions and nullifications of marriages; and
a register for deaths.

(1) Every entry in these registers shall be written out by a ball-point pen in the appropriate form prescribed by the Regulation to this Regulation.

When the entry is made by a Sub-Registrar, he shall make a handwritten copy, which shall be the original copy, and three carbon copies. The original copy and one carbon copy shall be sent to the Registrar of the district who shall forward the original to the Registrar-General and shall retain the carbon copy. In addition, the Sub-Registrar shall immediately deliver one carbon copy to the declarant and the other shall be retained in the register.

When the entry is made by a Registrar he shall make one handwritten copy, which shall be the original copy, and two carbon copies. The original copy shall be sent to the Registrar-General. One carbon copy shall be delivered immediately to the declarant, and the other shall be retained in the register of the Registrar.

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

Any Registrar or Sub-Registrar who, for any reason, ceases to exercise his functions or permanently to exercise his functions shall deliver to his successor or replacement the registers and records held by him and a report shall be made of the contents of them and a report shall be made of the same to the Registrar-General.

The Form of Entries in Registers

(1) Entries in the registers shall be in the appropriate form prescribed by the Schedule to this Regulation and shall state—

the year, the month, the day and the hour of the entry;

the name, first names and office of the registering officer;

in respect of other persons mentioned in the entry, their names and first names, their date and place of birth, where known, and their occupation and place of residence.

There shall also be stated, where known—

the father, mother and child, in the case of registration of birth or acknowledgement;

- (1) the husband and wife in the case of registration of marriage;
- (2) the deceased in the case of registration of death;
- (3) the formerly married persons in the case of registration of dissolution or nullification of marriage;
- (4) the witnesses in the case of registration of marriage, of dissolution or nullification of marriage, and of acknowledgement.

The names and first names aforesaid shall include, as far as possible, in the case of New Hebrideans, the family name, the man name, if any, and the Melanesian individual name, in that order.

12. (1) No entry in a register shall contain, either by annotation or in any other form, anything further than that required by this Regulation to be declared.

(2) Erasures and insertions shall be approved by the Registrar or Sub-Registrar and signed by him. Nothing shall be written in abbreviated form and dates must be recorded fully in words. Blanks shall be filled with a straight line. Any alteration of writing in the register is prohibited.

13. (1) The entry in the register shall be read to the declarant and the witnesses. It shall be translated if necessary.

(2) The entry shall be signed by the Registrar or Sub-Registrar, the declarant and the witnesses. Any reason which may prevent a Registrar or a witness from signing shall be noted at the bottom of the entry. Any such person shall place his finger print under the signature.

Transcriptions, Marginal Notes, Amendments and Copies

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

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

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

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

18. (1) Any person may obtain from the Registrar of a district or the Registrar-General a true copy of the entries concerning himself in any register. Such copies shall be issued in the same form as the registered entries and shall bear the seal and signature of the Registrar or the Registrar-General and the date of issue. Marginal notes shall be included.

(2) Administrative and judicial authorities may obtain issue of the same documents.

(3) Extracts from any entry may also be issued at the request of any person concerned, by the Registrar of a district or the Registrar-General.

PART II

REGISTRATION

Registration of Births

19. (1) All births shall be declared within a period to be prescribed for each area by Joint Rules made by the Resident Commissioners, by—

- (a) the father or mother of the newborn child; or
- (b) a member of the family; or
- (c) the doctor, midwife, or medical officer who was present at the birth; or
- (d) the person at whose house the birth took place; or
- (e) the village chief, local leader or clergyman; or
- (f) any person having knowledge of the birth.

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

20. The entry of a birth in a register shall state—

- (a) the date, time and place of the birth, the sex of the child, any Christian first names and the individual Melanesian name to be given the child; and
- (b) the name, age, occupation, place of residence, date and place of birth, the parentage of the father and mother and the relationship of the declarant.

21. In the case of an illegitimate child, if both or either of the parents is not named to the registering officer, no reference to such parent shall be noted on the register.

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

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

Registration of Acknowledgements

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

Registration of Marriages

25. (1) A declaration of marriage shall be made within a period to be prescribed by Joint Rules made by the Resident Commissioners, to the Registrar or Sub-Registrar concerned who shall enter the particulars in his register of Marriages in accordance with the form prescribed therefor by the Schedule to this Regulation.

(2) Any marriage not declared within the prescribed time shall be made the subject of a late declaration under the provisions of Part III of this Regulation.

(3) A family booklet, the contents of which shall be prescribed by Joint Rules made by the Resident Commissioners, shall be given to the married persons.

Registration of Dissolutions and Nullifications of Marriage

26. Every lawful dissolution or nullification of marriage shall be declared to the Registrar or Sub-Registrar concerned, who shall make an entry in the appropriate register. Every such entry shall state the measures taken for the care of any children born of such marriage.

Registration of Deaths

27. Every death shall be declared to the Registrar or Sub-Registrar of the place where it has occurred within a period to be prescribed by Joint Rules made by the Resident Commissioners by—

- (a) a member of the family of the deceased who was present at the time of death or who had attended the deceased shortly beforehand;
- (b) any other member of the family, the owner or occupant of the building in which the death occurred, any medical officer or any other person, in particular any village chief, local leader or clergyman, who has knowledge of the death and full and accurate particulars of the civil status of the deceased, as far as possible.

28. Every entry in the register of a death by a Registrar or Sub-Registrar shall state—

- (a) the civil status of the deceased as fully as possible;
- (b) the date, time and place of death; and
- (c) the civil status of the declarant.

29. The Registrar or Sub-Registrar may, if he thinks fit, require the production of a certificate as to the cause of death, signed by a qualified doctor.

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

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

32. Any death which is not declared within the prescribed time shall be made the subject of a late declaration under the provisions of Part III of this Regulation.

PART III

LATE DECLARATIONS

Late Registration Committees

33. (1) The District Agents acting jointly may establish in each district, or in any subdivision of a district, one or more committees responsible for verifying the accuracy of late declarations.

(2) Each committee shall consist of the Registrar or Sub-Registrar of the district as chairman and two members chosen from a panel of persons appointed for the purpose by the District Agents. Their decisions shall be reached by majority opinion.

(3) The Committees shall receive applications for late registration from the Registrar or Sub-Registrar of the district or from the persons concerned. They shall hear the evidence of any person called

the applicant or by the committee to give sufficient proof of the facts. They shall, if satisfied thereof, order the entry of the particulars in the appropriate register. They may for this purpose make any enquiry they think necessary.

(4) In the case of oral evidence, the averment of two adult witnesses shall be considered sufficient proof, provided that they are first sworn an oath administered by the chairman, who is hereby empowered for that purpose. The administration of such oath shall be recorded in the report of the committee.

(5) A copy of an entry issued by any church which maintains registers of births, deaths and marriages or dissolution or nullification of marriages shall be considered sufficient evidence provided the date of the event recorded is shown on the register and that the copy is certified as correct by the minister of religion who keeps the registers.

Form of Late Declaration

34. (1) A late declaration may be made by any person authorised to declare a birth, death or marriage under the provisions of this Regulation. It may be made either to the Registrar or Sub-Registrar or to the late registration committee of the district. It may be made in writing or verbally. In the latter case, the authority receiving the declaration shall make a written report of it, which must be signed by the authority and the declarant.

(2) Every declarant shall state, as fully as possible, its object and the supporting evidence. Notwithstanding the foregoing provisions of this Regulation, a person not less than 15 years of age may himself make a late declaration of his birth. For persons less than 15 years of age, the declaration may be made by any person, in addition to the persons specified in Section 19, who is at the time responsible for the child.

35. (1) Following the decision of the late registration committee, the Registrar or Sub-Registrar shall enter the particulars of the birth, marriage or death in the appropriate register and shall send the original copy of the entry to the Registrar-General in accordance with the provisions of Section 7 of this Regulation.

(2) The Registrar-General shall authenticate the original copy and file it according to its date in the register for the year in which the event took place.

36. Only one entry shall be made for a birth, death or marriage declared late. In order to prevent the duplication of entries of the same event, every Registrar or Sub-Registrar who has received such a late declaration shall satisfy himself by enquiry from the Registrar of the district where the event is alleged to have taken place, that registration thereof has not already been effected.

7. Registration effected in this manner shall be subject to the provisions as any other registration of civil status.

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

PART IV

PENALTIES

9. All persons shall, save for valid reason, comply with the provisions of this Regulation. Offences against this Regulation shall be triable by the Native Courts when committed by New Hebrides and by the Courts of First Instance when committed by other persons.

10. (1) Any Registrar or Sub-Registrar who refuses to comply with the provisions of Section 9 for the delivery of registers and records, shall be liable to a fine not exceeding \$A50. In the case of continued refusal after a first conviction he shall be liable to a fine not exceeding \$A200 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.

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

11. Any person who shall unlawfully alter any writing in a register shall be liable to a fine not exceeding \$A1,000 or to imprisonment for a term not exceeding 5 years or to both such fine and imprisonment.

12. Any person who—

- (a) is required by the provisions of this Regulation to declare a birth, acknowledgement, finding of a child, death, or discovery of a dead body, and who fails to do so without valid reason;
- (b) when required to do so by a Registrar or Sub-Registrar, refuses to furnish information concerning such an event, or knowingly gives incomplete or false information;
- (c) having declared a birth, acknowledgement, finding of a child, a child born dead, a marriage, a dissolution or nullification of marriage, a death or the discovery of a dead body, makes or attempts to make another declaration relative to the same event other than an application for amendment, but containing different information as to

place, date, or the identity of the persons concerned or their relationship;

(d) knowingly uses or attempts to use a falsified copy of an entry in the register or a copy of an entry prepared from wilfully false information,

be liable to a fine not exceeding \$A500 or to imprisonment for not exceeding two years or to both such fine and imprison-

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

PART V

MISCELLANEOUS PROVISIONS

43. Entries in any registers shall be made free of charge. A fee be charged when copies or extracts are issued, the amount of shall be prescribed by Joint Rules made by the Resident Commissioners.

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

45. This Joint Regulation may be cited as the Joint Registration of Births, Acknowledgements, Deaths and Marital Status of Hebrideans Regulation No. 17 of 1970, and shall come into force on the day of its publication in the Condominium Gazette.

Dated at Vila, this thirty-first day of December, 1970.

ANGLOIS

Resident Commissioner
for the Republic of France.

COLIN H. ALLAN

Her Britannic Majesty's
Resident Commissioner.

FORM "A"

REGISTRATION OF BIRTHS AND ACKNOWLEDGEMENTS

CHILD	1. Time, Day, Month, Year, Place of Birth	
	1. Sex	
	3. Family Name or Surname, Christian or First Name, Individual Melanesian Name	
FATHER	4. Name in Full, Occupation, Place of Residence	
	5. Date and Place of Birth	
	6. Parentage	
MOTHER	7. Name in Full, Occupation, Place of Residence	
	8. Date and Place of Birth	
	9. Relationship to Father of child	
	10. Parentage	
DECLARANT	11. Name in Full, Occupation, Place of Residence	
	12. Date and Place of Birth	
	13. Parentage	
WITNESS	14. Name in Full, Occupation, Place of Residence	
	15. Date and Place of Birth	
	16. Acknowledgement (Name and Relationship of person acknowledging illegitimate child)	
	17. Time, Day, Month and Year of Declaration	
	18. Previous Children—Number thereof	
	19. Remarks	

Signature or Fingerprint of Declarant	SEAL	Signature of Registrar or Sub-Registrar	FOR USE OF REGISTRAR-GENERAL
Signature or Fingerprint of Witness.		Full Name of Registrar or Sub-Registrar	(a) Seal and date of authentication
		Office or Occupation	(b) Number in Central Register
		Date.	

FORM "B"

REGISTRATION OF MARRIAGES

(as referred to in Section 25 (1) of Joint Regulation 17 of 1970.)

	1. Date and Place of Marriage and by whom performed	
	2. Name in Full, Occupation and Place of Residence	
	3. Date and Place of Birth	
	4. Status (Bachelor, Widower, Divorced)	
	5. Parentage	
	6. Name in Full, Occupation, Place of Residence	
	7. Date and Place of Birth	
	8. Status (Spinster, Widow, Divorced)	
	9. Parentage	
	10. Name in Full, Occupation, Place of Residence. Date and Place of Birth	
	11. Name in Full, Occupation, Place of Residence. Date and Place of Birth	
	12. Time, Day, Month and Year of Declaration	
	13. Other Remarks/Observations	

Signature or
Fingerprint of
Registrar

Signature or
Fingerprint of
Sub-Registrar

SEAL

Signature of Minister
for Celebrating Mar-
riages (if appropri-
ate)

Full name of
Registrar or
Sub-Registrar

Office or Occupation

Date

FOR USE OF
REGISTRAR-
GENERAL

(a) Sale and date of
Authentication

(b) Number in
Central
Register

FORM "C"

REGISTRATION OF DISSOLUTIONS AND NULLIFICATIONS OF MARRIAGE

Central Register Reference Number of Former Marriage	
Date and Place of Former Marriage and by whom performed	
Former Husband's Name in Full, Occupation, Place of Residence, Date and Place of Birth	
Former Wife's Name in Full, Occupation, Place of Residence, Date and Place of Birth	
Witness to Former Marriage—Name in Full, Occupation, Place of Residence, Date and Place of Birth	
Witness to Former Marriage—Name in Full, Occupation, Place of Residence, Date and Place of Birth	
Particulars of Dissolution or Nullification; Court Decision or Customary Procedure	
Particulars of Children of Former Marriage; Measures taken for their care	
Witness to Dissolution or Nullification; Name in Full, Occupation, Place of Residence, Date and Place of Birth	
Witness to Dissolution or Nullification—Name in Full, Occupation, Place of Residence, Date and Place of Birth	
Time, Day, Month and Year of Declaration	
Remarks	

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Signature or Fingerprint of Witness	SEAL	Signature of Registrar or Sub-Registrar	FOR USE OF REGISTRAR- GENERAL
Signature or Fingerprint of Witness		Full Name of Registrar or Sub-Registrar	(a) Seal and Date of Authentication
		Office or Occupation	(b) Number in Central Register
		Date	

FORM "D"

REGISTRATION OF DEATHS

DECEASED	1. Time, Day, Month, Year and Place of Death	
	2. Name in Full, Sex, Occupation, and Place of Residence	
	3. Date and Place of Birth	
FAMILY OF DECEASED	4. Name of Spouse; Date and Place of Marriage	
	5. Names and Ages of Surviving Children	
	6. Parentage of Deceased	
REGISTRAR	7. Name of Medical Officer who issued Death Certificate, Reference Number and Date, Cause of Death	
	8. Name in Full, Occupation, Place of Residence	
	9. Date and Place of Birth	
WITNESS	10. Name in Full, Occupation, Place of Residence	
	11. Date and Place of Birth	
	12. Time, Day, Month and Year of Declaration	
	13. Remarks	

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Signature or Fingerprint of Registrar	SEAL	Signature of Registrar or Sub-Registrar	FOR USE OF REGISTRAR-GENERAL
Signature or Fingerprint of Witness		Full Name of Registrar or Sub-Registrar.	(a) Seal and Date of Authentication
		Office or Occupation	(b) Number in Central Register
		Date	