

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES ORDINANCE 1941-1954.*

2045

An Ordinance relating to the Registration of Births, Deaths and Marriages and for other purposes.

PART I.—PRELIMINARY.

1. This Ordinance may be cited as the *Registration of Births, Deaths and Marriages Ordinance 1941-1954*.*

Short title.
Short title amended:
No. 17, 1938,
s. 4.
Commencement.

2. This Ordinance shall commence on a date to be fixed by the Administrator by notice in the *Gazette*.†

3. After the commencement of this Ordinance, the Acts of the State of South Australia, in their application to the Northern Territory, the Ordinances of the Northern Territory and the Ordinance of the Territory of North Australia, which are specified in the First Schedule to this Ordinance, shall, to the extent therein expressed, cease to apply to the Northern Territory.

Repeal.

4. This Ordinance is divided into Parts as follows:—

Parts.

Part I.—Preliminary.

Part II.—Registration of births, deaths and marriages.

Part III.—Registration of births.

Part IV.—Legitimation of children.

The *Registration of Births, Deaths and Marriages Ordinance 1941-1954* comprises the *Registration of Births, Deaths and Marriages Ordinance 1941* as amended. Particulars of the Principal Ordinance and of the amending Ordinances are set out in the following table:—

Ordinance.	Number and Year.	Date notified in <i>Commonwealth Gazette</i> .	Date of Assent by Administrator.	Date of Commencement.
<i>Registration of Births, Deaths and Marriages Ordinance 1941</i>	No. 7, 1941	27th March, 1941	..	1st July, 1949
<i>Registration of Births, Deaths and Marriages Ordinance 1950</i>	No. 4, 1951	..	16th April, 1951	1st May, 1952
<i>Registration of Births, Deaths and Marriages Ordinance 1952</i>	No. 32, 1952	..	5th September, 1952	1st December, 1952
<i>Registration of Births, Deaths and Marriages Ordinance 1954</i>	No. 13, 1954	..	8th December, 1954	(See Note below)

Note.—Section 2 of the *Registration of Births, Deaths and Marriages Ordinance 1954* reads as follows:—

“2. This Ordinance shall be deemed to have come into operation on the first day of July, One thousand nine hundred and forty-nine.”

† The date fixed was 1st July, 1949—see table above.

*Registration of Births, Deaths and
Marriages Ordinance 1941-1954.*

Part V.—Registration of deaths.

Part VI.—Registration of marriages and of clergymen for celebrating marriages.

Part VII.—Miscellaneous.

Definitions.
Sub-section (1.)
amended by
N. 13, 1954,
s. 3.

5.—(1.) In this Ordinance, unless the contrary intention appears—

- “bury” includes cremate and burial has a corresponding meaning;
- “clergyman” means a Minister of religion ordinarily officiating as such;
- “District” means a district created under the provisions of this Ordinance;
- “District Registrar” means a District Registrar of Births, Deaths and Marriages appointed under the provisions of this Ordinance and includes an Acting District Registrar so appointed and the Registrar-General;
- “ex-nuptial child” means a child not born in lawful wedlock;
- “friendly society” means a society approved by the Minister as a friendly society;
- “Marriage Acts” means “The Marriage Act, 1867” (No. 15 of 1867) and “The Marriage Act Further Amendment Act, 1882” (No. 243 of 1882) of the State of South Australia in their application to the Northern Territory;
- “parent” means the father or the mother and includes the guardian;
- “registered nurse” means a person who is registered as a nurse under the provisions of the *Nurses and Midwives Registration Ordinance 1928*;
- “Registrar-General” means the Registrar-General of Births, Deaths and Marriages appointed under the provisions of this Ordinance and includes an Acting Registrar-General so appointed;
- “still-born child” means any child of seven months gestation or over not born alive, and includes any child not born alive which measures at least fourteen inches, but does not include any child which has actually breathed;

“ occupier of the building or place ” means the principal occupier for the time being of any building or place, and, in the case of a gaol, house of correction, hospital, lunatic asylum or other public or charitable institution, the principal officer or the person in actual charge thereof;

“ undertaker ” includes any person having charge of the burial of any dead body.

(2.) Any reference in this Ordinance to a Schedule shall be read as a reference to a Schedule to this Ordinance.

PART II.—REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES.

6.—(1.) For the purposes of this Ordinance, the Territory shall be divided into two districts to be called the District of North Australia and the District of Central Australia respectively.

Creation of districts.

(2.) The District of North Australia shall comprise that part of the Territory north of the twentieth parallel of South Latitude.

(3.) The District of Central Australia shall comprise that part of the Territory south of the twentieth parallel of South Latitude.

7.—(1.) The Administrator may appoint a person to be Registrar-General of Births, Deaths and Marriages and, in the case of the illness or absence of the Registrar-General, he may appoint a person to be the Acting Registrar-General.

Appointment of Registrar-General.

Sub-section (1.) amended by No. 13, 1954, s. 4.

(2.) The Registrar-General of Births, Deaths and Marriages shall be the Registrar-General of Marriages for the purposes of the Marriage Acts.

(3.) The Registrar-General of Births, Marriages and Deaths holding office at the date of the commencement of this Ordinance shall be deemed to have been appointed under this Ordinance as Registrar-General of Births, Deaths and Marriages.

8.—(1.) The Administrator may appoint a District Registrar for each district and may appoint, in the case of the illness or absence of the District Registrar of a district, an Acting District Registrar of that district.

Appointment of District Registrars.

(2.) Each District Registrar of Births, Deaths and Marriages shall, within the district for which he has been appointed, be a District Registrar of Marriages for the purposes of the Marriage Acts.

*Registration of Births, Deaths and
Marriages Ordinance 1941-1954.*

(3.) The District Registrar of Births and Deaths for the District of Central Australia holding office at the commencement of this Ordinance shall be deemed to have been appointed under this Ordinance as District Registrar of Births, Deaths and Marriages for the District of Central Australia.

Administration
of Ordinance.

9.—(1.) Subject to the directions of the Administrator, the Registrar-General shall be charged with the general administration of this Ordinance.

(2.) Until the appointment by the Administrator of a District Registrar for the District of North Australia, the Registrar-General shall be the District Registrar for the District of North Australia.

Registers to
be kept.

10.—(1.) A District Registrar shall record in the prescribed manner such particulars, in regard to every birth, death and marriage occurring in his district, as are prescribed.

(2.) All births, deaths and marriages occurring in the Territory shall be registered in accordance with the appropriate forms in the Second, Third and Fourth Schedules and the registrations so made shall constitute the "Register of Births", "Register of Deaths" and "Register of Marriages" respectively.

(3.) The information necessary for registration shall be supplied—

(a) without fee or reward; and

(b) in accordance with the prescribed form.

(4.) Before making any entry in any Register, a District Registrar shall make such inquiries as he thinks necessary to inform himself correctly of the particulars required to be entered.

(5.) Any person wilfully giving false information, or refusing to answer questions asked by a District Registrar, shall be guilty of an offence.

Penalty: Ten pounds.

PART III.—REGISTRATION OF BIRTHS.

Births to be
notified.

11.—(1.) The parent of any child born in a District of the Territory shall furnish to the District Registrar of that District particulars for the registration of the birth.

(2.) The particulars shall be those required in accordance with the form in the Second Schedule and shall be furnished within twenty-one days after the date of the birth.

Duty of
occupier of
house to
notify birth
in certain
cases.

12. Where, owing to the death, absence or inability of the father and mother of any child born in the Territory, registration of the birth has not been executed in accordance with the

provisions of this Ordinance, the occupier of the building or place where the child was born shall, within twenty-one days after the birth, furnish to the District Registrar the particulars of the birth of the child required in accordance with the form in the Second Schedule.

13. Where any new-born child is found exposed, the person who discovers the child shall report the discovery to the nearest member of the Police Force who shall furnish to the District Registrar such particulars as have come to his knowledge in respect of the child.

Notification
required
where
new-born child
found exposed.

14. The birth of every still-born child shall, within twenty-one days after the birth, be registered in both the Register of Births and the Register of Deaths, and for all the purposes of the registration of births and deaths the child shall be deemed to have been born alive and subsequently to have died.

Registration
of birth of
still-born child.

15.—(1.) A person shall not dispose of the body of a still-born child unless the disposal is authorized by a certificate, in accordance with the form in the Fifth Schedule, of—

Disposal of
still-born child.

- (a) a legally qualified medical practitioner;
- (b) a registered nurse;
- (c) a justice of the peace; or
- (d) a member of the Police Force,

who has made personal inquiry into the circumstances.

Penalty: Twenty pounds.

(2.) Notwithstanding anything contained in the last preceding sub-section, if any still-born child is born at a place situated more than ten miles from the nearest legally qualified medical practitioner, justice of the peace and member of the Police Force, and the mother was not attended by a legally qualified medical practitioner or registered nurse, it shall not be an offence against the last preceding sub-section if the child is buried without the certificate required by that sub-section, if the person who buries the body, reports the fact of the birth to the nearest member of the Police Force within fourteen days after the date of the birth.

(3.) Upon receipt of a report in pursuance of the last preceding sub-section, the member of the Police Force shall forthwith make a full inquiry into the circumstances of the case and take such further action as may be necessary.

(4.) Any person who, having buried the body of a still-born child without the certificate required by sub-section (1.) of this section, neglects to make the report required by sub-section (2.) of this section, shall be guilty of an offence.

Penalty: Twenty pounds.

Registration of ex-nuptial child.

16.—(1.) Where the birth of any ex-nuptial child is registered on the information of the father, or of both the father and mother of the child, and the father desires to be registered as the father of the child, the father shall be so registered, and then, for all purposes, the surname of the child shall be deemed and taken to be the same as the surname of the father.

(2.) A District Registrar shall bring the provisions of this section under the notice of every informant of the birth of any ex-nuptial child.

Registration in cases where birth not registered within prescribed time.

Sub-section (1.) amended by N. 32, 1952, s. 3.

17.—(1.) Where the provisions of section eleven or section twelve of this Ordinance have not been complied with, the District Registrar shall not register the birth of any child unless—

- (a) within a period of nine months after the date of the birth of the child, the parent of the child, or some person present at the birth of the child, furnishes the particulars concerning the birth of the child required in accordance with the form in the Second Schedule, and makes a statutory declaration in accordance with the form in the Sixth Schedule; or
- (b) in cases where a period of over nine months has elapsed after the date of the birth of the child, the Administrator has given written authority for the registration of the birth.

(2.) For the purposes of sub-section (1.) of this section the provisions of section eleven or section twelve of this Ordinance shall be deemed to have been complied with where, in the case of a birth in a remote locality, the particulars concerning the birth are furnished within such time as is, in the opinion of the District Registrar, reasonable.

(3.) Where a child is born at sea, or outside the Territory, of parents who were residents of the Territory at the date of the birth, the Registrar-General, on proof of the facts by statutory declaration to his satisfaction, may permit the registration of the child at any time not being later than nine calendar months after the arrival of the child in the Territory.

Obtaining registration in contravention of Ordinance an offence.

Certificate to be given by clergyman at baptism.

18. A person shall not obtain, contrary to the provisions of this Ordinance, the registration of the birth of a child.

19.—(1.) Where a name, other than a name by which the child is registered, is given in baptism to a child after registration of its birth, the officiating clergyman shall, immediately after the baptism, sign and give to the parent of the child a certificate in accordance with the form in the Seventh Schedule.

(2.) The parents shall forward the certificate to the District Registrar within twenty-one days after the date of the baptism.

(3.) Upon receipt of the certificate referred to in sub-section (1.) of this section, the District Registrar shall—

- (a) cause to be entered in the Register of Births the name of the child; and
- (b) endorse the certificate “Entered in the Register”; and
- (c) return the certificate to the parent.

20. Where, after the registration of the birth of a child, a name is given to the child in the presence of the District Registrar, the District Registrar shall cause to be entered in the Register of Births the name of the child and shall give to the parent of the child a certificate in accordance with the form in the Seventh Schedule.

Certificate to be given by Registrar.

PART IV.—LEGITIMATION OF CHILDREN.

21.—(1.) Where any male person claiming to be the father of an ex-nuptial child whose mother he has married since the birth of the child and to which marriage no legal impediment existed at the time of the birth of the child, transmits, produces or causes to be produced to the Registrar-General, a statutory declaration in the form or to the effect set forth in the Eighth Schedule, it shall be the duty of the Registrar-General, upon his being satisfied that the declaration is in order, to register the child (whether dead or alive) as the lawful issue of that person and his wife.

Registration by father of child born before marriage of parents.

(2.) Notwithstanding anything contained in this Ordinance, the Registrar-General shall make no entry in the Register of Births of the date of the marriage, but shall, when registering the birth, write the words “By authority” under his signature and the form to be used in supplying a certified copy of the registration entry of the birth shall be that set forth in the Ninth Schedule.

(3.) The father of any such child shall sign the registration entry in the Register of Births, and no registration under this section shall be deemed to be effected unless and until the father has so signed the entry.

(4.) If the same child has been previously registered as an ex-nuptial child the Registrar-General and any District Registrar who has a record of the previous registration shall, immediately after effecting or becoming aware of any registration under this section, make on the previous record a reference to the subsequent registration under this section.

Registration by mother of child born before marriage of parents.

22.—(1.) Where—

(a) the father of an ex-nuptial child, whose mother he has married since the birth of the child and to which marriage no legal impediment existed at the time of the birth of the child, is (whether before or after the commencement of this Ordinance)—

(i) dead; or

(ii) being within the Territory is (according to the certificate of two legally qualified medical practitioners) owing to illness, or mental disorder, unable to make an application under the last preceding section; and

(b) the mother of the child transmits, produces or causes to be produced to the Registrar-General, a statutory declaration in the form or to the effect set forth in the Tenth Schedule, together with—

(i) the certificates and certified copies referred to in that Schedule; and

(ii) where the father of the child is dead—a certified copy under the hand of the Registrar-General of the registration of the death of the father or a certificate of the death of the father under the hand of some other person and in such form as is approved in writing by a Special Magistrate,

the Registrar-General, upon his being satisfied that the declaration and certificates or certified copies and (if so required) the written approval are in order, shall register the child (whether dead or alive) as the lawful issue of the father and mother.

(2.) Unless the mother of the child complies with the provisions of paragraph (b) of sub-section (1.) of this section during a period of two years after the death of the father or (as the case may be) during the period of his inability as mentioned in sub-paragraph (ii) of paragraph (a) of sub-section (1.) of this section, the Registrar-General shall not register the child as the lawful issue of the father and mother.

(3.) Unless a Special Magistrate certifies in writing that he is satisfied, whether by the written acknowledgment of the person alleged to be the father of the child or by evidence which,

in the opinion of the Special Magistrate is conclusive, that that person was the father of the child, the Registrar-General shall not register the child as the lawful issue of the father and mother.

(4.) The provisions of sub-sections (2.) and (4.) of the last preceding section are hereby, with such alterations, modifications and substitutions as are necessary, incorporated with this section.

(5.) The mother of any such child shall sign the registration entry in the Register of Births, and no registration under this section shall be deemed to be effected unless and until the mother has signed that entry.

23.—(1.) Any child born before the marriage of his or her parents (whether before or after the commencement of this Ordinance and to the marriage of whose parents no legal impediment existed at the time of the birth of that child) and whose parents have intermarried or hereafter intermarry and whose father or mother (as the case may be) has registered the child, whether dead or alive, in the manner in this Part provided, shall be deemed to have been legitimated by the marriage from birth, and shall be entitled or deemed to have been entitled to all the rights of a child born in wedlock including the right to such real and personal property as might have been claimed by the child if born in wedlock and also to any real and personal property on the succession of any other person which might have been claimed through the parent by a child born in wedlock.

Legitimation
of illegitimate
children after
marriage of
parents.

(2.) The issue of any legitimated child who has died or hereafter dies before the marriage of his or her parents shall take by operation of law the same real and personal property as would have accrued to the issue if the legitimated child had been born in wedlock.

PART V.—REGISTRATION OF DEATHS.

24.—(1.) In the case of the death of a person, such one of the persons, specified in the first column of the following table, as first comes within the relevant description of the circumstances of the death, in the order set out in the table, shall, within fourteen days from the date of the death or the finding of the body of the deceased, as the case may be, furnish to the District Registrar such particulars for the registration of the death as are specified in the Third Schedule.

Notification of
deaths.

Description of Informant.	Circumstances of the Death.
1. A relative of the deceased, present at the death	} Death in a house
2. A relative of the deceased, in attendance during his last illness	
3. A relative of the deceased, residing or being within the Territory	
4. A person, other than a relative, present at the death	
5. The occupier of the house in which the death occurred	
6. An inmate of the house in which the death occurred	} Death in a public institution
7. The person who caused the body to be buried	
8. Any relative of the deceased who is available	
9. The chief resident officer of the institution	
10. A person present at the death	
11. The person who caused the body to be buried	} Death, other than in a house or public institution
12. Any relative of the deceased who can furnish the required particulars	
13. Any person present at the death	
14. Any person who found the body	
15. Any person in charge of the body	
16. The person who caused the body to be buried	

(2.) The provisions of sub-section (1.) of this section shall be deemed to have been complied with where, in the case of a death within a remote locality, the particulars concerning the death are furnished within such time as, in the opinion of the District Registrar, is reasonable.

(3.) Where the District Registrar has knowledge of a death, the prescribed particulars relating to which have not been furnished to him within fourteen days from the date of the death or the finding of the body, he may, by notice in writing, require any person whom he believes liable to furnish those particulars to attend at the office of the Deputy Registrar and there furnish the prescribed particulars of the death verified by statutory declaration.

(4.) Any person who fails to comply with a requisition under the last preceding sub-section shall be guilty of an offence. Penalty: Ten pounds.

(5.) A District Registrar shall not register a death unless—

- (a) a medical certificate relating to the death has been received by him in pursuance of section twenty-nine of this Ordinance; or
- (b) a notice of the signing of the medical certificate relating to the death, issued in pursuance of section twenty-nine of this Ordinance, has been received by him; or

- (c) a notification from the Coroner or magistrate in pursuance of the provisions of section twenty-six of this Ordinance or a certificate from the Coroner in pursuance of the provisions of section twenty-six A of this Ordinance has been received by him; and
- (d) in cases where the prescribed particulars of a death are not furnished to him within the prescribed time but are furnished to him—
 - (i) within six months from the date of the death—the person furnishing the particulars verifies those particulars by statutory declaration; or
 - (ii) after six months from the date of the death—upon the written instructions of the Minister so to do.

25. In the event of any person finding any dead body he shall forthwith notify a member of the Police Force, who shall forthwith notify the nearest Coroner, and the Coroner shall thereupon, in accordance with the Form in the Eleventh Schedule, forthwith notify the District Registrar thereof and of the place where the dead body was found.

Notification of finding of dead body.

26.—(1.) Where any inquest is held into the death of any person, the Coroner shall, in accordance with the form in the Twelfth Schedule, notify the District Registrar of the verdict of the Coroner, and shall furnish, in accordance with the form in the Third Schedule, such other particulars as are required to be registered concerning the death.

Notification of result of inquest.

(2.) The District Registrar upon receipt of the notification and particulars shall forthwith register the death.

26A.—(1.) Where any coroner gives a certificate that he deems an inquest into the death of any person to be unnecessary the coroner shall forthwith send a signed copy of the certificate to the District Registrar and shall furnish, in accordance with the form in the Third Schedule, such other particulars as are required to be registered concerning the death.

Notification where inquest deemed unnecessary. Inserted by No. 4, 1951, s. 4.

(2.) The District Registrar upon receipt of the certificate and particulars shall forthwith register the death.

27.—(1.) The District Registrar upon registering any death shall, without fee or reward, deliver to the undertaker a certificate, in accordance with the form in the Thirteenth Schedule, that the death has been duly registered.

Certificate of registration to be delivered before burial.

(2.) The certificate shall be delivered by the undertaker to the clergyman or other officiating person required to bury or perform any religious service for the burial.

(3.) If any dead body is buried for which a certificate is not so delivered, the person who buries the body or performs any funeral or religious service for the burial, or who in any way disposes of the body, shall forthwith give notice of the facts to the District Registrar.

Amended by
No. 32, 1952,
s. 4.

(4.) A Coroner who deems it necessary to hold an inquest, who holds an inquest or who gives a certificate that he deems it unnecessary to hold an inquest, upon any dead body for which a certificate has not been delivered by the District Registrar, may order the body to be buried before registration, and shall in that case give to the undertaker an order, in writing under his hand, in accordance with the form in the Fourteenth Schedule.

Burials.

28. A person shall not, in the absence of the certificate referred to in sub-section (1.) of the last preceding section, bury any dead body or cause any dead body to be buried unless there is produced to him—

- (a) a notice in writing of the signing of a medical certificate in accordance with the next succeeding section; or
- (b) an order by a Coroner, in accordance with the form in the Fourteenth Schedule, for the burial.

Certificate of
death to be
furnished by
medical
practitioner.

29. In the case of the death of any person who has been attended during his last illness by a legally qualified medical practitioner, that practitioner shall sign and deliver forthwith to the District Registrar a certificate, in accordance with the form in the Fifteenth Schedule, stating the cause of death, and shall deliver to the occupier of the building or place in which the death occurred a notice in writing, in accordance with the form in the Sixteenth Schedule, of the signing of the certificate, and in all cases of sudden death, or where, in the opinion of the medical practitioner the death has occurred under any circumstances of suspicion, shall report the case to a Coroner.

Certificate of
burial.

30.—(1.) Every undertaker who buries any dead body shall forthwith sign and transmit or cause to be transmitted to the District Registrar of the district where the death occurred a certificate, in accordance with the form in the Seventeenth Schedule, countersigned by the clergyman officiating at the burial (if any) and by two witnesses of the burial.

(2.) Any undertaker who buries any dead body and omits to transmit the certificate referred to in the last preceding sub-section or to cause the certificate to be transmitted as required by that sub-section shall be guilty of an offence.

Penalty: Five pounds.

PART VI.—REGISTRATION OF MARRIAGES AND OF CLERGYMEN FOR CELEBRATING MARRIAGES.

31. A District Registrar, and any clergyman registered under this Ordinance, may celebrate marriages.

Persons empowered to celebrate marriages.

32.—(1.) A clergyman shall not be registered to celebrate marriages unless he belongs to a religious denomination declared by the Minister by notice in the *Gazette* to be a recognized religious denomination.

Registration of clergyman to celebrate marriages.

(2.) An application for the registration of a clergyman to celebrate marriages shall be made in writing to the Registrar-General and shall be signed by the applicant and by the person (if any) who is recognized as the head in relation to the Territory of the religious denomination to which the applicant belongs, or, if there is no such person, by two persons who are members of the controlling body in relation to the Territory of the religious denomination.

(3.) The application shall state—

- (a) the full name and surname of the applicant;
- (b) the religious denomination to which he belongs;
- (c) his designation and whether according to the tenets of the denomination he is a clergyman of such status as entitles him to celebrate marriages;
- (d) that he ordinarily officiates within the Commonwealth as a clergyman of the denomination;
- (e) his usual place of residence;
- (f) the church, chapel or other place of worship or building in which worship is conducted within the Commonwealth in which he ordinarily officiates as clergyman; and
- (g) such other particulars as are prescribed.

(4.) If the Registrar-General is satisfied that the application is duly signed and of the truth of the statements made in the application, and that the applicant is a fit and proper person to celebrate marriages, and if the religious denomination to which the applicant belongs is a recognized religious denomination within the meaning of this section, the Registrar-General may register the applicant to celebrate marriages.

(5.) Any clergyman so registered shall, in the event of any change of his address or alteration in his description, notify the Registrar-General thereof within one month of the change or alteration.

(6.) The Registrar-General shall, within one month after the registration of any clergyman or of the notification to him of the change of address or altered description of any clergyman, publish in the *Gazette* the name and the particulars of the clergyman so registered or whose change of address or altered description has been so notified.

(7.) Notwithstanding anything contained in this Ordinance any person whose name was, at the commencement of this Ordinance, enrolled as an officiating minister under the provisions of the Marriage Acts or the *Marriage Ordinance 1932* shall be deemed to be a clergyman registered under this Ordinance to celebrate marriages.

Notification of names of clergymen registered to celebrate marriages.

33.—(1.) The Registrar-General shall, in the month of January in each year, publish in the *Gazette* a list of names of all clergymen for the time being registered to celebrate marriages, together with their designations, denominations and residences.

(2.) The Registrar-General shall omit from the list the name of any member who has died or has ceased ordinarily to officiate as a clergyman within the Commonwealth.

Clergyman or District Registrar to notify Registrar-General of celebration of marriage.

34.—(1.) Where a clergyman or District Registrar celebrates a marriage, he shall prepare in quadruplicate a certificate in accordance with the form in the Fourth Schedule, each part bearing the original signatures of the parties and witnesses. He shall deliver one part to one of the parties to the marriage, shall forward two parts forthwith to the Registrar-General and shall retain the fourth.

Penalty: Twenty pounds.

(2.) If the Registrar-General does not receive the two certificates, and is satisfied that the certificate received by one of the parties to the marriage is genuine, he may make two office copies of the last-mentioned certificate, and shall keep those office copies in his office instead of the certificates which he should have received, and those office copies shall be a record of the marriage.

Power of person celebrating marriage to ask questions.

35.—(1.) Any person empowered to celebrate marriages by whom or in whose presence a marriage is celebrated or about to be solemnized shall ask of either of the parties to the marriage or proposed marriage the several particulars required by this Ordinance to be registered concerning the marriage.

(2.) Any person who, when so questioned, fails to answer truthfully any questions so asked shall be guilty of an offence.

Penalty: Twenty pounds.

Clergymen from States or other Territories may celebrate marriages in Territory.

Sub-section (1.) amended by No. 32, 1952, s. 5.

36.—(1.) Notwithstanding anything contained in this Ordinance, any clergyman who is authorized to celebrate marriages in any State or Territory of the Commonwealth shall, so long as he remains so authorized, if he is at any time in the Northern Territory, be deemed to be a clergyman registered under this Ordinance so far as regards the celebration of marriages in the Northern Territory, notwithstanding that he has not been registered as a clergyman under this Ordinance.

(2.) Every clergyman who celebrates a marriage in the Northern Territory under the authority conferred by sub-section (1.) of this section shall comply with the provisions of the Marriage Acts and of this Ordinance and any clergyman who contravenes any of the provisions of that Act or of this Ordinance shall be guilty of an offence and be liable to the same penalty as if he had been registered as a clergyman under this Ordinance.

36A. A marriage is not avoided by reason only of the fact that it was celebrated by a person who was not empowered under this Ordinance to celebrate marriages if, at the time of the marriage, either of the parties to the marriage believed, in good faith, the person celebrating the marriage to be—

Marriage celebrated by unauthorized person not avoided in certain circumstances.

Inserted by No. 13, 1954, s. 5.

- (a) a clergyman registered under this Ordinance;
- (b) deemed to be a clergyman registered under this Ordinance to celebrate marriages;
- (c) the Registrar-General; or
- (d) a District Registrar.

37. Every certificate of marriage shall be in accordance with the form in the Fourth Schedule, and any reference in the Marriage Acts to a certificate of marriage shall be read as a reference to a certificate of marriage in accordance with the form in the Fourth Schedule.

Certificate of marriage.

38. The repeal of the *Marriage Ordinance 1917* shall not affect the validity of any marriage celebrated before the commencement of this Ordinance.

Repeal of Marriage Ordinance 1917 not to invalidate marriages.

PART VII.—MISCELLANEOUS.

39. The Minister shall cause to be furnished at the public expense—

Register forms to be provided.

- (a) to the Registrar-General and District Registrars, forms and books for the registering of births, deaths and marriages; and
- (b) to all persons empowered to celebrate marriages, forms of marriage certificates.

40. The Registrar-General and each District Registrar shall have a seal or stamp and shall sign and cause to be sealed or stamped with his seal or stamp all certificates or certified copies or extracts given in his office.

Seal of Registrar-General and District Registrars.

41.—(1.) Each District Registrar shall, at the commencement of each quarter, transmit to the Registrar-General copies (certified in the manner directed by the Registrar-General) of the registers of births and deaths made in his office during the quarter last preceding.

Returns to Registrar-General.

(2.) All such copies shall be kept in the office of the Registrar-General in such order and manner as the Registrar-General thinks fit.

Indexes to registers.

42.—(1.) The Minister shall cause the following indexes to be made and kept in the office of the Registrar-General:—

- (a) Indexes of the registers kept in the offices of the District Registrars; and
- (b) A general index of all the births, deaths and marriages in the Territory.

(2.) Each District Registrar shall cause indexes to be made and kept of the registers in his office.

(3.) Any person, on payment of the fees specified in the Eighteenth Schedule and on giving a memorandum of the entry he desires to find, shall be entitled to cause a search to be made of the register in which the entry appears and to search the indexes of the registers and to have a copy of the entry or of an extract of the entry certified by the Registrar-General or a District Registrar.

Correction of errors.

43.—(1.) Where any District Registrar is informed of or discovers any error, omission or mis-statement in any entry in a register in his custody, he shall correct the entry according to the truth of the case in the manner provided in this section.

(2.) Before making any such correction, the District Registrar may require any person having knowledge of the facts to furnish him with a statutory declaration, in accordance with the form in the Nineteenth Schedule, of the correction which should be made.

(3.) The correction shall—

- (a) be made within one month after the information or discovery of the error, omission or mis-statement is received or made, or within such further time as the Registrar-General directs;
- (b) in the case of the registration of a birth, be made in the presence of and attested by the parent of the child concerned;
- (c) in the case of the registration of a death, be made in the presence of and attested by the informant whose signature appears on the register in relation thereto, or, failing such informant, by the occupier of the building or place where the death occurred, if the occupier is conversant with the facts;
- (d) in the case of the registration of a marriage, be made in the presence of and attested by the parties to the marriage; and

(e) in the case of the death or absence of any of the persons whose presence is required in pursuance of paragraphs (b), (c) or (d) of this sub-section, be made on the written authority of the Registrar-General, or be made in the presence of and attested by two credible witnesses who have knowledge of the truth of the correction.

(4.) The District Registrar shall make the correction in the margin of the register, without any alteration of the original erroneous entry, and shall sign the marginal entry and add thereto the day of the month and year when the correction is made.

(5.) The District Registrar shall make, in the copy of the register to be transmitted to the Registrar-General in pursuance of section forty-one of this Ordinance, a marginal entry similar to that made in pursuance of the last preceding sub-section, or, if that copy has already been transmitted, shall forthwith make and transmit a separate certified copy of the original erroneous entry and of the marginal entry made therein, and the certified corrected copy shall for all purposes be deemed to be the copy required to be transmitted to the Registrar-General.

(6.) The District Registrar shall make the like alteration in every certified copy of the entry in the register made (otherwise than in pursuance of section forty-one of this Ordinance) after any such correction, or, if a certified copy has been already made, shall, where practicable, advise the person to whom it was delivered, and on the request of that person deliver to him a certified copy of the entry in the register as corrected.

(7.) If the original erroneous entry in a register in the custody of the District Registrar has been lost or destroyed, the record in the office of the Registrar-General may be corrected by the Registrar-General in accordance with the provisions of this section.

(8.) Nothing in the preceding provisions of this section shall apply to the correction of any entry in the register, not being a matter of substance, for the purpose only of complying with general instructions of the Registrar-General with respect to the making of entries, but any such correction may be made in accordance with the written direction of the Registrar-General.

44. Nothing in this Ordinance shall affect the right of any clergyman registered to celebrate marriages to receive any fees usually payable for the performance of any religious rite of baptism, marriage or burial.

Right of
clergyman to
receive fees.

Evidence of
registration.

45. A copy, sealed and signed by a District Registrar, of any entry in a register shall be received for all purposes as evidence of the fact recorded therein and that the fact has been duly registered.

Form of
certificate
of copy of
entry or
extract of
entry in a
register.

46. A copy of any entry in any register shall bear a certification in accordance with the form in the Twentieth Schedule, and a certified extract of any entry in any register shall bear a certification in accordance with the form in the Twenty-first Schedule.

Forms.

47.—(1.) Strict compliance with the prescribed forms shall not be required, but substantial compliance shall be sufficient for the purposes of this Ordinance.

(2.) Nothing in this Ordinance shall prevent the acceptance by a District Registrar of informations, certificates, notices or applications in accordance with any form legally in use immediately before the commencement of this Ordinance, or prevent the registration of any birth, death or marriage by virtue of any such information, certificate, notice or application.

Penalties.

48. Any person who—

- (a) being a person obliged to register with a District Registrar any birth, or death, fails so to do;
- (b) being a clergyman and neither registered under this Ordinance nor deemed to be registered under this Ordinance, celebrates any marriage;
- (c) injures any records kept under this Ordinance; or
- (d) buries or otherwise disposes of any body in contravention of this Ordinance,

shall be guilty of an offence.

Penalty: Twenty pounds.

Offences of
Registrar.

49. If a District Registrar—

- (a) omits or refuses without reasonable cause to register any birth or death in accordance with the provisions of this Ordinance; or
- (b) knowingly registers false particulars in relation to any birth, death or marriage,

he shall be guilty of an offence.

Penalty: Twenty pounds.

Persons
pretending
to be
clergymen.

50. Any person who, knowing himself not to be a clergyman, causes his name to be registered under this Ordinance as a clergyman, shall be guilty of an offence.

Penalty: Two hundred pounds or imprisonment for two years.

Failure to
comply with
Ordinance.

51. Any person failing to comply with any of the provisions of this Ordinance shall be guilty of an offence and shall, where no other penalty is provided, be liable to a penalty not exceeding Twenty pounds for each offence.

52 The Administrator may make regulations, not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for giving effect to this Ordinance, and in particular prescribing matters providing for and in relation to—

Regulations.

- (a) the forms to be used in connexion with this Ordinance and the modification or variation of the forms in the Schedules or the substitution of other forms for those forms;
- (b) the fees to be charged for the performance of the several acts, matters and things provided for in this Ordinance in lieu of or in addition to the fees prescribed in the Eighteenth Schedule;
- (c) the hours on each day during which the offices of the District Registrars shall be open to the public; and
- (d) the duties of District Registrars.

THE SCHEDULES.

THE FIRST SCHEDULE.

s. 3.

Number and Year of Act or Ordinance.	Short Title.	Extent of Repeal.
15 of 1867	"The Marriage Act, 1867" of the State of South Australia	Sections 6, 7, 9, 10, 11, 12, 13, 14, 33, 34, 35, 36 and the Sixth Schedule
10 of 1874	"The Registration of Births and Deaths Act, 1874" of the State of South Australia	The whole
243 of 1882	"The Marriage Act Further Amendment Act, 1882" of the State of South Australia	Sections 5 and 13
703 of 1898	"The Legitimation Act, 1898" of the State of South Australia	The whole
793 of 1902	"The Legitimation Amendment Act, 1902" of the State of South Australia	The whole
929 of 1907	"Births, Marriages, and Deaths Registration Amendment Act, 1907" of the State of South Australia	The whole
6 of 1911	<i>Registration of Births, Marriages and Deaths Ordinance 1911</i> of the Northern Territory of Australia	The whole
3 of 1913	<i>Registration of Births Ordinance 1913</i> of the Northern Territory of Australia	The whole
3 of 1917	<i>Marriage Ordinance 1917</i> of the Northern Territory of Australia	The whole
10 of 1929	<i>Registration of Births and Deaths Ordinance 1929</i> of the Territory of North Australia	The whole
9 of 1932	<i>Marriage Ordinance 1932</i> of the Northern Territory of Australia	The whole

s. 10.

THE SECOND SCHEDULE.

THE NORTHERN TERRITORY OF AUSTRALIA.
Registration of Births, Deaths and Marriages Ordinance 1941.

19 Columns—		BIRTHS		Registered at		In		By		Registrar.	
1	2	3	4	5	6	7	8	9	10	11	
No. in Register.	Child.		Sex.	Parents.			Informant.	Witnesses.	Registrar.	Name if added after Registration of Birth.	
	Date and Place of Birth.	Name.		Father.		Mother.					
				(1) Name and Surname; (2) Occupation; (3) Age; and (4) Birthplace.	(1) When and where married; (2) Previous issue living and deceased of present marriage.	(1) Name and Maiden Surname; (2) Age; and (3) Birthplace; (4) Usual place of residence.					

Registration of Births, Deaths and Marriages Ordinance 1941-1954.

THE THIRD SCHEDULE.

THE NORTHERN TERRITORY OF AUSTRALIA.

Registration of Births, Deaths and Marriages Ordinance 1941.

19 DEATHS Registered at In By Registrar.
 Columns— 1 2 3 4 5 6 7 8 9 10 11 12 13

No. in Reg.	Descriptions.			(1) Place of Birth. (2) Length of residence in Australia.	If Deceased was Married.		(1) Cause of Death. (2) Duration of fatal illness. (3) Medical attendant by whom certified. (4) When he last saw deceased.	(1) Name and Surname of Father (2) Occupation of Father. (3) Name and Maiden Surname of Mother.	(1) Signature of Informant. (2) Description. (3) Residence.	If Burial Registered.		(1) Signatur of Registrar. (2) Date. (3) Where registered.
	Date and Place of Death.	Name and Surname. Occupation. Usual place of Residence.	Sex and Age.		(1) Place of Marriage. (2) Age at Marriage. (3) To whom Married.	Living issue in order of births, their names and ages. Number of males and females deceased.				(1) When and where buried. (2) Person by whom burial was certified.	(1) Name and Religion of Clergyman. (2) Names of Witnesses of burial.	

Registration of Births, Deaths and Marriages Ordinance 1941-1954.

Registration of Births, Deaths and Marriages Ordinance 1941-1954.

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s. 15.

THE FIFTH SCHEDULE.

THE NORTHERN TERRITORY OF AUSTRALIA.

Registration of Births, Deaths and Marriages Ordinance 1941.

AUTHORITY FOR DISPOSAL OF BODY OF STILLBORN CHILD.

I, _____, of _____, (a)
having made personal inquiry into the circumstances of the birth, hereby authorize
the burial of the body of the stillborn (b)
child of (c)
on the _____ day of _____, born at _____ 19 . 19 .
Dated this _____ day of _____, 19 .

Signature.

(Description of person giving authority.)

(a) Insert "legally qualified medical practitioner," "registered nurse," "justice of the peace," or "member of the Police Force," as case requires.
(b) Insert "male" or "female", as case requires.
(c) Insert names of parents.

s. 17.

THE SIXTH SCHEDULE.

THE NORTHERN TERRITORY OF AUSTRALIA.

Registration of Births, Deaths and Marriages Ordinance 1941.

I, _____, of _____, (a)
do solemnly and sincerely declare that a (a) _____ child was born
at _____, on the _____ day of _____,
and that the particulars now furnished to the Registrar are the true particulars of such birth.

And I make this solemn declaration by virtue of the *Statutory Declarations Act 1911-1922* conscientiously believing the statements contained therein to be true in every particular.

Declarant.

Declared at _____ the _____ day of _____ 19 .

Before me—(b)

I hereby certify that

declarant herein is well known to me and that the name and signature of the said declarant as they appear herein are the true name and signature respectively of such declarant.

Witness my hand this _____ day of _____ 19 .

I hereby certify that this Statutory Declaration as to the birth of a (a) _____ child was this day received by me and registered in accordance with the provisions of the *Registration of Births, Deaths and Marriages Ordinance 1940.*

Witness my hand and seal this _____ day of _____ 19 .

Registrar.

(b) Title of person before whom declaration made.

ss. 19, 20.

THE SEVENTH SCHEDULE.

THE NORTHERN TERRITORY OF AUSTRALIA.

Registration of Births, Deaths and Marriages Ordinance 1941.

CERTIFICATE OF GIVING OF ADDITIONAL NAME.

I, _____, Clergyman of [or Registrar of] _____, hereby certify that I have this day baptized [or that the name of] _____

by the name of _____ child produced to me by _____

has this day been given to] a (a) _____ as the (b) _____

and _____ and declared by the said _____ on the _____

to have been born at _____ day of _____ name of _____

, 19 ., and to have been registered under the

Witness my hand this _____ day of _____

_____, 19 .
Clergyman.
[or Registrar].

(a) Male or female.
(b) Son or daughter.

Registration of Births, Deaths and Marriages Ordinance 1941-1954.

s. 21.

THE EIGHTH SCHEDULE.

THE NORTHERN TERRITORY OF AUSTRALIA.

Registration of Births, Deaths and Marriages Ordinance 1941.

I, *A.B.*, of _____, do solemnly and sincerely declare that—

1. I am the father of a certain child, born out of wedlock on the day of _____, 19____, at _____.
2. The document hereunto annexed is a certified copy under the hand of the Registrar-General of the registration of the birth of the said child.
3. I was married to _____ the mother of the said child on the _____ day of _____, 19____, at _____, and I am desirous of having the birth of the said child registered as that of the lawful issue of myself and the said _____.
4. The document hereunto annexed is the original [*or a certified copy under the hand of the Registrar-General or other proper officer of the*] certificate of my marriage with the said _____.
5. No legal impediment to the marriage of myself and the said _____ existed at the time of the birth of the said child.

And I make this solemn declaration by virtue of the *Statutory Declarations Act 1911-1922* of the Commonwealth of Australia conscientiously believing the statements contained therein to be true in every particular.

Declared at _____ the _____ day of _____, 19____.

Before me,

THE NINTH SCHEDULE.

THE NORTHERN TERRITORY OF AUSTRALIA.

Registration of Births, Deaths and Marriages Ordinance 1941.

19 BIRTHS Registered at				In				By		Registrar.
1	2	3	4	5	6	7	8	9	10	11
No. in Register.	Child.		Sex.	Parents.			Informant.	Witnesses.	Registrar.	Name if added after Registration of Birth.
	Date and Place of Birth.	Name.		Father.		Mother.				
				(1) Name and Surname; (2) Occupation; (3) Age; and (4) Birthplace.	(1) Where married; (2) Previous issue living and deceased of present marriage.	(1) Name and Maiden Surname; (2) Age; and (3) Birthplace; (4) Usual place of residence.				
									(1) By Authority.	

Registration of Births, Deaths and Marriages Ordinance 1941-1954.

*Registration of Births, Deaths and
Marriages Ordinance 1941-1954.*

s. 22.

THE TENTH SCHEDULE.

THE NORTHERN TERRITORY OF AUSTRALIA.

Registration of Births, Deaths and Marriages Ordinance 1941.

I, A.B., of _____, do solemnly and sincerely declare that—

1. I am the mother of a certain child born out of wedlock on the day of _____, 19____, at _____, the father of the said child, on the day of _____, 19____, at _____ [except where the husband is dead, add "and I am still married to the said _____"].
2. I was married to _____, the father of the said child, on the day of _____, 19____, at _____, [or, my husband the said _____ in the Northern Territory of Australia and owing to illness (or, as the case may be) is not able to make application for the legitimation of the said child].
3. My husband, the said _____, died on the day of _____, 19____, [or, my husband the said _____ in the Northern Territory of Australia and owing to illness (or, as the case may be) is not able to make application for the legitimation of the said child].
4. I am desirous of having the birth of the said child registered as that of the lawful issue of myself and the said _____.
5. No legal impediment to the marriage of myself and the said _____ existed at the time of the birth of the said child.

6. The documents hereunto annexed are—

A certified copy under the hand of the Registrar-General of the registration of the birth of the said child.

The original [or "a certified copy under the hand of the Registrar-General or other proper officer of the "] certificate of my marriage with the said _____

A certificate by a Special Magistrate that he is satisfied that the said _____ is [or was] the father of the said child.

Where the father of the said child is dead, add—

A certified copy under the hand of the Registrar-General of the registration of the death of the said father; or, a certificate of death under the hand of a person and in the form approved by a Special Magistrate together with the written approval of the Special Magistrate.

Where application is made in consequence of the inability of the father of the said child to make an application, add—

The certificates of two legally qualified medical practitioners as required by section twenty-two of the said Ordinance.

[Here add a list of any further documentary proofs.]

And I make this solemn declaration by virtue of the *Statutory Declarations Act 1911-1922* of the Commonwealth of Australia conscientiously believing the statements contained therein to be true in every particular.

Declared at _____ the _____ day of _____, 19____.

Before me,

s. 25.

THE ELEVENTH SCHEDULE.

THE NORTHERN TERRITORY OF AUSTRALIA.

Registration of Births, Deaths and Marriages Ordinance 1941.

CORONER'S INFORMATION AS TO FINDING OF DEAD BODY.

I hereby notify the District Registrar at _____ that the dead body of _____ was found at _____

on the day of _____, 19____.

The said body is now (a) _____
Remarks and any particulars known to Informant—

(a) How disposed of—whether buried on order of coroner or received at hospital or in morgue for purpose of inquest or inquiry.

Address.
Date.

Coroner.

To the District Registrar at _____

*Registration of Births, Deaths and
Marriages Ordinance 1941-1954.*

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THE SIXTEENTH SCHEDULE.

s. 29.

THE NORTHERN TERRITORY OF AUSTRALIA.

Registration of Births, Deaths and Marriages Ordinance 1941.

MEDICAL PRACTITIONER'S NOTIFICATION OF SIGNING
CERTIFICATE.

I hereby give notice that I have, this day, signed a Medical Certificate of
the Cause of Death of _____, deceased.

Medical Practitioner.

Address.

Date.

THE SEVENTEENTH SCHEDULE.

s. 30.

THE NORTHERN TERRITORY OF AUSTRALIA.

Registration of Births, Deaths and Marriages Ordinance 1941.

CERTIFICATE OF BURIAL.

I, _____, Undertaker [or other person],
hereby certify that the body of _____ was on
the _____ day of _____, 19 _____, duly buried at _____ in
my presence.

Witness our hands this _____ day of _____, 19 _____.

Countersigned.

Officiating Clergyman.

Witness.

Witness.

Undertaker.

THE EIGHTEENTH SCHEDULE.

ss. 42, 52.

THE NORTHERN TERRITORY OF AUSTRALIA.

Registration of Births, Deaths and Marriages Ordinance 1941.

SCALE OF FEES.

Every search in any Index (payable in advance)	Two shillings and sixpence, or if made on behalf of a Friendly Society, one shilling.
Every certified copy of any entry (payable on delivery)	Seven shillings and sixpence, or if obtained on behalf of a Friendly Society, two shillings and sixpence.
Every certified extract of any entry (payable on delivery)	Two shillings and sixpence, or if obtained on behalf of a Friendly Society, one shilling.
Every marriage performed by a District Registrar (payable in advance)	Two pounds two shillings.

**Registration of Births, Deaths and
Marriages Ordinance 1941-1954.**

THE NINETEENTH SCHEDULE.

s. 43.

THE NORTHERN TERRITORY OF AUSTRALIA.

Registration of Births, Deaths and Marriages Ordinance 1941.

STATUTORY DECLARATION OF CORRECTION TO BE MADE IN
REGISTRATION OF BIRTH, DEATH OR MARRIAGE.

(a) Insert qualifications of declarant to make declaration.
(b) Birth, death or marriage, as the case requires.
(c) Strike out where inapplicable.
(d) State each correction necessary in a separate paragraph.

I, (a)

of _____, do solemnly and sincerely declare as follows:—

(1) That in the registration of the (b) _____ of _____, who was born on the _____ day of _____, 19____, (c) or who died on the _____ day of _____, 19____, (c) or who was married on the _____ day of _____, 19____, the (b) _____ as registered is incorrect.

(2) That instead of the entry there should be inserted (d) _____ .
And I make this solemn Declaration by virtue of the *Statutory Declarations Act 1911-1922* conscientiously believing the statements contained therein to be true in every particular.

Declared at _____ the _____ day of _____, 19____ .
Before me,

To the District Registrar at _____

THE TWENTIETH SCHEDULE.

s. 46.

THE NORTHERN TERRITORY OF AUSTRALIA.

Registration of Births, Deaths and Marriages Ordinance 1941.

CERTIFICATE OF ENTRY IN REGISTER OF (a) _____

(a) Insert "Births," "Deaths," or "Marriages" as case requires.

I, _____, the District Registrar at _____, certify that the above is a true copy of the original particulars registered by _____, Registrar at _____, the original Register in which such particulars appear being now in my custody.

Witness my hand and seal this _____ day of _____, 19____ .
District Registrar.

(SEAL).

THE TWENTY-FIRST SCHEDULE.

s. 46.

THE NORTHERN TERRITORY OF AUSTRALIA.

Registration of Births, Deaths and Marriages Ordinance 1941.

CERTIFICATE OF EXTRACT OF ENTRY IN REGISTER OF (a) _____

NUMBER OF ENTRY.

(a) Insert "Births," "Deaths," or "Marriages" as case requires.
(b) Insert "birth" or "death" or "marriage" as case requires.

I hereby certify that an entry in a Register of (a) _____, kept in this Office in pursuance of the *Registration of Births, Deaths and Marriages Ordinance 1940* gives the following particulars concerning the (b) _____ of _____

Date of (b) _____

Place of (b) _____

Witness my hand and seal this _____ day of _____, 19____ .
District Registrar.

(SEAL).