

T A S M A N I A.



1895.

ANNO QUINQUAGESIMO-NONO

VICTORIÆ REGINÆ,

No. 9.

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*Am. 6 Ed. VII, no. 8.*

AN ACT to consolidate and amend the Law relating to the Registration of Births and Deaths in *Tasmania*.

A.D. 1895.

[27 September, 1895.]

WHEREAS it is expedient to consolidate and amend the Law at present in force providing for the Registration of Births and Deaths in *Tasmania* :

PREAMBLE.

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

*Preliminary Provisions.*

1 The Short Title of this Act shall be "The Registration of Births and Deaths Act, 1895," and it shall come into operation on the First day of *January*, One thousand eight hundred and ninety-six.

Short title.

2 Upon the coming into operation of this Act the Acts set forth in the Schedule (1.), to the extent therein set forth, shall be and the same are hereby repealed : Provided always, that any registration lawfully made, and every act or thing whatever lawfully done under the said Acts before the coming into operation of this Act, shall be as good,

Repeal. Schedule (1.)

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valid, and effective as though this Act had not been passed, and shall for all purposes hereafter be deemed to have been made under this Act.

All appointments made under the Acts hereby repealed subsisting at the time of the coming into operation of this Act, and all Regulations in force under the said repealed Acts at the time aforesaid, shall respectively be deemed to have been made under this Act.

All penalties incurred and all offences which may have been committed prior to the coming into operation of this Act shall respectively be sued for, recovered, enforced, and prosecuted as if the said Acts had never been repealed.

Registrar-General to be appointed.

**3** It shall be lawful for the Governor in Council from time to time, by warrant under his hand, to appoint a fit person to be Registrar-General for the Colony, and from time to time to remove such Registrar-General.

Registrars to be appointed.

**4** It shall be lawful for the Governor in Council to appoint fit persons to be Registrars of Births and Deaths under this Act, and from time to time to remove any person so appointed.

Governor may appoint Deputy of Registrar-General or of any Registrar.

**5** It shall be lawful for the Governor in Council at any time to appoint a fit person to be the Deputy of the Registrar-General or of any Registrar, to act in case of death, illness, or unavoidable absence; and every Deputy shall, during the time he shall so act, have all the powers and privileges, and perform all the duties and be subject to all the responsibilities of the Registrar-General or Registrar for whom he shall have been appointed Deputy, except that the Deputy of the Registrar-General shall not have the power given by the Tenth Section of this Act of making, abolishing, or altering such Regulations as are therein mentioned. The appointment of every such Deputy shall be notified in the *Hobart Gazette*.

When Deputy to act.

**6** Whenever any Registrar shall die, the Deputy appointed as aforesaid shall act as Registrar from the day of such death, until the appointment of a new Registrar has been made; and in case of the illness or absence of the Registrar-General or of any Registrar, the Deputy of the Registrar-General or of a Registrar, as the case may be, shall act as such Deputy from such day as such Registrar-General or Registrar, as the case may be, (or in case of illness incapacitating him to do so, his medical attendant) shall certify under his hand to the Deputy appointed as aforesaid to act for him that he is ill or unable to perform his duties, or that he is about to be absent; and such Deputy shall cease to act as such from the day on which he shall receive from the officer whose Deputy he is, a Certificate under his hand to the effect that such officer has resumed his duties.

No Registrar shall have power to act during such term as his Deputy shall be lawfully acting.

Registrars' Districts may be defined and altered by the Governor.

**7** It shall be lawful for the Governor in Council from time to time, by Proclamation in the *Hobart Gazette*, to divide the Colony for the purposes of this Act into such and so many Districts as he shall think fit; and every such District shall be called by a distinct name, and shall be a Registrar's District.

The Governor in Council may from time to time alter or revoke any such Proclamation, and issue a new Proclamation dividing the Colony or

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any portion of it anew into Districts, or increasing the number of Districts, or altering the boundaries of any District or Districts, as from time to time he may think requisite; and all births and deaths shall be registered in the District in which they respectively occur: Provided, that the Districts existing at the time of the coming into operation of this Act under any of the Acts hereby repealed shall, until altered under this Act, be deemed to be Districts proclaimed under this Act.

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**8** Every Registrar shall dwell within the District of which he is Registrar, and shall cause the words "Registrar of Births and Deaths" to be placed in some conspicuous place on or near the outer door of his office for registration.

Registrars to dwell in their Districts.

**9** The Registrar-General and every Registrar duly appointed under this Act are hereby respectively empowered to receive and take the several fees specified in this Act.

Fees.

**10** It shall be lawful for the Governor in Council or the Registrar-General, with the consent of the Governor in Council, by Regulation, to alter from time to time all or any of the Forms contained in the Schedules to this Act, in such manner as may appear to them best for carrying into effect the provisions of this Act, or to prescribe new Forms for that purpose, and from time to time to alter and amend the same, and from time to time to make regulations for prescribing any matters authorised by this Act to be prescribed, and to revoke and alter such regulations, and to authorise in certain cases the remission of any fees prescribed by this Act.

Power of Governor in Council and Registrar-General to alter Forms in Schedules and make Regulations.

**11** The Registrar-General shall from time to time, at the public expense, furnish to all parties requiring the same such registers, books, and forms as may be requisite for the purposes of this Act.

Books, forms, &amp;c.

**12** Every Registrar shall in each case inform himself carefully of the particulars required to be registered by him touching births and deaths under this Act, and shall, without fee or reward, except when otherwise specially provided by law, enter and register all such particulars according to the Forms in Schedules (2.) and (3.) herewith annexed in cases of births and deaths respectively.

Entries in register books.

**13** Every Registrar shall, in the months of *April, July, October,* and *January* in each year, transmit to the Registrar-General true copies, so certified by him, of all entries of births and deaths made in the register books in his office during the Three months next preceding, or a certificate under his hand that there have been no such entries, as the case may be; and every Registrar who shall refuse or neglect to do so shall be liable for every such offence to forfeit and pay a sum not exceeding Ten Pounds, to be recovered in a summary way.

Quarterly returns.

**14** In case of the loss or miscarriage of any of the aforesaid certified copies, the Registrar shall, at the request of the Registrar-General, without fee or reward, make and transmit to the Registrar-General fresh copies, certified under his hand, of the original entries, and such copies shall be substituted by the Registrar-General for the duplicates so lost or mislaid.

In case of the loss of any of the registrations Registrar to send fresh certified copies.

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Registrars not  
liable to serve on  
juries.

**15** The Registrar-General, and every Registrar holding office under this Act, and the Deputy of the Registrar-General or of any Registrar while legally acting for the officer whose Deputy he is, shall be exempt from serving on any jury or inquest.

*Registration of Births.*

Parents and  
others required to  
give information  
of births within  
Sixty days.

**16** In the case of every child born alive in *Tasmania*, it shall be the duty of the father or mother of the child, and in case of the death, absence, or inability of the father or mother, of the occupier of the house or tenement in which the child is born, and of the person or persons having charge of the child, and of each person present at the birth, to give to the Registrar of the District wherein such child is born, within Sixty days next after such birth, information of the particulars required to be registered concerning such birth, according to the best of his or her knowledge and belief, and, except in cases hereafter specially provided for, to sign the Register; and every person hereby required who shall refuse or without reasonable cause neglect to give such notice aforesaid, either personally or by agent duly authorised in writing and acquainted with and becoming responsible under the provisions and penalties of the Act for the truth of the particulars, shall for every such offence forfeit a sum not exceeding Ten Pounds.

Provided, that if any of the persons who are required by this Section to give to the Registrar information relating to any birth shall attend at the Registrar's office and cause the birth to be registered as hereinbefore required, no penalty shall be imposed on the remainder of such persons for not having given the information.

Saving for father  
of illegitimate  
child.

**17** In the case of an illegitimate child, no person shall, as father of such child, be required to give information under this Act concerning the birth of such child, and it shall not be lawful for the Registrar to enter the name of any person as the father of such child unless at the joint request of the mother and of the person acknowledging himself to be the father of such child, and who shall in such case sign the Register as informant, together with the mother.

Extra facilities  
for informants  
situated at incon-  
venient distance  
from Registrar.

**18** If by reason of great distance or some other insuperable difficulty it is shown to the satisfaction of the Registrar that any person required by this Act is prevented from attending at the Office of the Registrar of the District for the purpose of informing the said Registrar of the particulars required concerning any birth, and for the purpose of signing the Register, it is hereby provided that the penalties of the Act shall not be imposed if within Sixty days next after such birth such person shall make a Declaration in writing according to Schedule (4.), in the presence of any Registrar, Magistrate, Medical Officer, Police Officer, or any other person specially authorised by the Registrar-General; and the aforesaid persons before whom the Declaration shall have been made shall attest the same; and the said informant shall forthwith post the said Declaration to the Registrar of the District; and the said Registrar shall, in the prescribed manner, enter the particulars of birth in the Register, inserting the words "According to Section Eighteen of 'The Registration of Births and

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Deaths Act, 1895,'” after the name of the informant ; and the entry so made shall be deemed, for the purposes of this Act, to have been signed by the person who signed the Declaration. A.D. 1895.

**19** After the expiration of Sixty days following the day of the birth of any child, it shall not be lawful for any Registrar to register such birth, save as hereinafter provided— Limit of time for registration of births.

In case the birth of any child is not registered according to the provisions hereinbefore made, it shall be lawful for any person present at the birth of such child, or for a parent or guardian thereof, at any time within Twelve months next after such birth, to make before any Registrar a solemn declaration of the particulars required to be known touching the birth of such child, according to the best of his or her knowledge and belief ; and upon such declaration being made, and a fee of Five Shillings paid to the Registrar of the District within which the said birth occurred, it shall be lawful for such Registrar to register the birth according to the information of the person making the declaration ; and in the case of an unregistered birth, it shall be lawful for the Registrar, by notice in writing, to require any person present at the birth of such child, or the parents or guardian thereof, to attend personally at his Office within such time as may be specified in the notice : Provided that immediately after the birth of such child a period has elapsed of not less than Sixty days and not more than Twelve months ; and if any person summoned to appear, or having appeared shall refuse to make such declaration, or refuse or neglect to pay the fee above mentioned, he or she shall be liable in any such cases to the penalty provided by Section Sixteen for neglecting or refusing to register the birth : Provided further, that no penalty shall be imposed under Section Sixteen if the birth be registered as provided by this Section.

**20** When the birth of any child has been registered with or without a name, and a name, or an altered name, has been given to the said child subsequently, in baptism or otherwise, the parent or guardian of such child, or the person who signed the original entry may, within Twelve calendar months next after the registration of the birth, have any such name, or altered name, added to the register of the original entry, and in any such case shall deliver to the Registrar of the District such certificate as hereinafter mentioned ; and the Registrar upon the receipt of that certificate, and upon payment of the fee of Two Shillings, shall, without any erasure of the original entry, forthwith enter in the Register Book, in the proper column, the name mentioned in the certificate as having been given to the child, and having stated upon the certificate the fact of such entry having been made, shall forthwith send the certificate to the Registrar-General, together with a certified copy of the entry of the birth with the name so added : Provided that, in the event of the name altered or given being entered in the Register in time to be recorded in the usual Quarterly Returns of certified copies of Register for the Registrar-General hereinafter referred to, it will not be necessary to send the said certificate and certified copy of Register entry to the Registrar-General as hereinbefore directed.

Name given after registration may be registered within Twelve months after registration of birth.

The certificate shall be in the form given in Schedule (5.) to this Act, or as near thereto as circumstances admit, and shall be signed by

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the minister or person who performed the rite of baptism upon which the name was given or altered, or, if the child is not baptised, shall be signed by the father, mother, or guardian of the child, or other person procuring the name of the child to be given or altered.

Every minister or person who performs the rite of baptism shall deliver the certificate required by this Section on demand, on payment of a fee not exceeding One Shilling.

Children born at sea or out of the Colony.

**21** In every case of the arrival in the Colony of a child whose birth has not been registered elsewhere, and who is under the age of Eighteen months at the time of arrival, born at sea, or in any place out of the Colony, whose parents or guardians are about to take up their abode in the Colony, it shall be lawful for the Registrar of the District in which the aforesaid parents or guardians reside, at any time within Six months next following the day of the child's arrival in the Colony, and not thereafter, on a solemn declaration by one of the parents, or by the lawful guardian of such child, of the particulars required to be registered, to register, without fee or reward, the birth of such child in the manner provided for the registration of births taking place within the Colony.

In certain cases births may be registered after the time fixed by this Act.

**22** In any case in which application has been made to the Registrar before the passing of this Act to register the birth of any child after the expiration of the time within which such birth could then be registered according to Law, it shall be lawful for the Registrar, upon application being made to him within Six months after the passing of this Act to register the birth of such child in the manner provided by this Act.

*Registration of Deaths.*

Occupier of house and persons present at death to give information.

**23** In each case of the death of any person it shall be the duty of the occupier of the house or tenement in which such death took place, and of the relatives of the deceased present at such death, and of each person present at such death, and in default of these the undertaker having charge of the funeral, within Eight days (inclusive of the day of death), to inform the Registrar of the District of the particulars required to be registered concerning such death, and to attend at the said Registrar's office and sign the Register: Provided, that if a person required to give information concerning death sends to the Registrar a written notice of the occurrence of the death, accompanied by such medical certificate of the cause of the death as is required by this Act to be delivered to a Registrar, the information of the particulars hereinbefore required to be registered concerning the death need not be given within the said Eight days, but shall, notwithstanding such notice, be given within Thirty-two days next after the day of the death by the person giving such notice, or some other person required by this Act to give the required information, and sign the Register: Provided further, that if any of the persons who are required by this Section to give to the Registrar information relating to the death shall attend at the Registrar's office and cause the death to be registered as hereinbefore required, no penalty shall be imposed on the remainder of such persons for not having given the information. And every person hereby required who shall refuse, or without reasonable cause neglect to give such notice or information as aforesaid, either by himself or by an agent duly

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authorised in writing and acquainted with and becoming responsible under the provisions and penalties of this Act for the truth of the particulars, shall, for every such offence, forfeit a sum not exceeding Ten Pounds. A.D. 1895.

**24** If by reason of great distance or some other insuperable difficulty it is shown to the satisfaction of the Registrar that any person required by this Act is prevented from attending at the Office of the Registrar of the District for the purpose of informing the said Registrar of the particulars required concerning any death, and for the purpose of signing the Register, notwithstanding anything to the contrary, it is hereby provided that the penalty prescribed in Section Twenty-three shall not be imposed if within Eight days, inclusive of the day of death, such person shall make a Declaration in writing, according to Schedule (6.), in the presence of any Registrar, Magistrate, Medical Officer, Police Officer, or any other person specially authorised by the Registrar-General; and the aforesaid person before whom the Declaration shall have been made shall attest the same; and the said informant shall forthwith post the said Declaration to the Registrar of the District, accompanied by such medical certificate of the cause of death as is required by this Act to be delivered to the Registrar of the District; and the said Registrar shall in the prescribed manner enter the particulars of death in the Register, inserting the words "According to Section Twenty-four of 'The Registration of Births and Deaths Act, 1895,'" after name of informant; and the entry so made shall be deemed for the purposes of this Act to have been signed by the person who signed the Declaration.

Extra facilities for informants situated at inconvenient distance from Registrar.

**25** Where a person dies in a place which is not a house, or a dead body is found elsewhere than in a house, it shall be the duty of every relative of such deceased person having knowledge of any of the particulars required to be registered concerning the death, and, in default of such relative, any person taking charge of the body, and of the person causing the body to be buried, to give to the Registrar of the District within Eight days next after the death or finding, such information of the particulars required to be registered concerning the death as the informant possesses, and to attend at the office of the Registrar and sign the Register.

Case of a dead body found exposed or not in a house.

**26** When an inquest is held on any dead body, the jury shall enquire of the particulars required to be registered concerning the death, and the Coroner shall, himself, or by an agent duly authorised in writing acquainted with and becoming responsible under the provisions and penalties of this Act for the truth of the particulars, within Eight days after the finding of the jury is given, give information concerning the death, and specifying the finding of the jury with respect to the said particulars and to the cause of death, and specifying the time and place at which the inquest was held, and the Registrar shall, in the prescribed form and manner, register the death and particulars. If the death has been previously registered the said particulars shall be entered in the prescribed manner without any alteration of the original entry.

In case of inquest Coroner to furnish information.

Where an inquest is held on any dead body, no person shall, with respect to such dead body or death, be liable to attend upon a requisition

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Registrar may  
summon any  
qualified  
informant to  
personally attend  
and give  
information.

of a Registrar, or be subject to any penalty for failing to give information in pursuance of any other provision of this Act.

**27** When from the default of the persons required to give information any death has not been registered, the Registrar may at any time after the expiration of Eight days and within Twelve months from the day of such death or from the finding of the dead body elsewhere than in a house, by notice in writing, require any person required by this Act to give information concerning such death to attend personally at the Registrar's Office or at any other place appointed by the Registrar within his District, within such time (not less than Seven days after the receipt of the notice, nor more than Twelve months after the death or finding of the dead body) as may be specified in the notice, and to give the said information to the best of the informant's knowledge and belief, and to sign the Register; and it shall be the duty of such person, unless the death is registered before the expiration of the time specified in the requisition, to comply with the requisition.

Deaths at sea.

**28** If any person dies at sea on board of any trading vessel entered or bound for any *Tasmanian* Port, or if any person travelling to *Tasmania* dies at sea upon any vessel which touches or calls at any *Tasmanian* Port, the Captain or person in charge of such ship, on the arrival at any Port in *Tasmania*, shall, himself, or by an agent duly authorised, acquainted with and becoming responsible under the provisions and penalties of this Act for the truth of the particulars, give information to the Registrar of the District to the best of his knowledge and belief of the several particulars required to be registered concerning such death, and to attend at the Registrar's Office and sign the Register.

Death not to be  
registered after  
Twelve months.

**29** After the expiration of Twelve months next after death or after the finding of any dead body, that death shall not be registered. Every person who knowingly registers or causes to be registered any death in contravention of this Section shall be liable to a penalty of not exceeding Ten Pounds.

*Certificates of Death and Burial.*

Certificates of  
deaths.

Schedule (7.)

**30** Every Registrar, immediately upon registering any death, or as soon thereafter as he shall be required so to do, shall without fee or reward deliver to the person giving information, or to the undertaker or other person having charge of the funeral, a certificate under his hand according to the form in Schedule (7.) hereto annexed, that such death has been duly registered; and such certificate shall be delivered by such undertaker or other person to the minister or officiating person who shall be required to bury or perform any funeral or religious service, for or at the burial.

If any dead body shall be buried for which no certificate shall have been so delivered, the undertaker or other person acting in that capacity, or in default of this functionary the Registrar or caretaker of the cemetery, or the person who shall bury the same or perform any funeral or religious service for or at the burial, or who shall in any other way dispose of the body, shall within Seven days give notice thereof in



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writing, in the form or to the effect set forth in Schedule (8.), to the Registrar. A.D. 1895.

Provided always, that the Coroner holding any inquest upon any dead body for which no certificate shall have been delivered as aforesaid, may order the body to be buried, if he shall think fit, before registration, and shall in such case give a certificate of his order in writing under his hand, in the form in Schedule (9.), to the undertaker or other person having charge of the funeral, and such certificate shall be delivered by such undertaker or other person to the minister or officiating person who shall be required to bury or perform any funeral or religious service for or at the funeral; but no order, warrant, or other document for the burial of any body shall be given by any Coroner unless an inquest is held or about to be held on such body. Schedule (8.)  
Schedule (9.)

**31** Every person to whom such certificate of the Registrar or Coroner was given who fails to deliver it as aforesaid, shall be liable to a penalty not exceeding Forty Shillings. Penalty.

**32** Every person who shall bury, or perform any funeral or religious service for or at the burial of, any dead body, or shall in any other way dispose of a dead body, for which no certificate shall have been duly made and delivered as aforesaid, either by the Registrar or by the Coroner holding an inquest on the body, and who shall not within Seven days give or forward a written notice thereof, in the form or to the effect set forth in Schedule (8.), to the Registrar of the District, shall be liable to forfeit and pay a sum not exceeding Ten Pounds for every such offence, to be recovered in a summary way. Penalty for not notifying burial when no certificate of death given.

**33** A person shall not wilfully bury or procure to be buried the body of any deceased child as if it were still-born. Burial of deceased children as still-born.

Any person who has control over or ordinarily buries bodies in any burial-ground, or any person in charge of a burial-ground for the time being, shall not permit to be buried in such burial-ground the body of any deceased child as if it were still-born, and shall not permit to be buried, or bury, in such burial-ground any still-born child before there is delivered to him, either—

- (a) A written certificate that such child was not born alive, signed by a medical practitioner who was in attendance at the birth or has examined the body of such child; or,
- (b) A declaration signed by some person who would, if the child had been born alive, have been required by this Act to give information concerning the birth, to the effect that no medical practitioner was present at the birth, or that his certificate cannot be obtained, and that the child was not born alive; or
- (c) An Order of the Coroner holding an inquest on the body of the child.

Any person who acts in contravention of this Section shall be liable to a penalty not exceeding Ten Pounds.

**34** In the case of the death of any person who has been attended during his last illness by a medical practitioner, that practitioner shall, free of charge, sign, and give to some person required by this Act to give information concerning the death, a certificate, on the printed form Certificate of cause of death.

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to be supplied for that purpose by the Registrar-General, stating, to the best of his knowledge and belief, the cause of death both secondary and primary, and such person shall, upon giving information concerning the death, deliver that certificate to the Registrar; and the cause of death as stated in that certificate shall be entered in the Register, together with the name of the certifying medical practitioner.

In the absence of a medical practitioner a like certificate shall be delivered in the same manner by the midwife, if any, or other person acting in the same capacity.

Penalty for neglecting to give Certificate.

Any person required to give the aforesaid medical certificate in pursuance of the above Section who shall refuse or neglect so to give it, and any person to whom such medical certificate is given who fails to deliver the certificate to the Registrar, shall be liable to a penalty not exceeding Forty Shillings.

*Miscellaneous Provisions.*

Supreme Court may direct the Registrar to register birth or death.

**35** Notwithstanding anything hereinbefore contained, it shall be lawful for the Supreme Court, by order or decree, in any case which it shall be made to appear to the said Court that it is expedient that the birth of any child born alive in *Tasmania*, or the death of any person who has died in *Tasmania*, should be registered at any time after the date of such birth or death in the manner provided by this Act, to direct the Registrar to register such birth or death in the manner aforesaid, and the Registrar is hereby empowered and required to register such birth or death in pursuance of any such order or decree as aforesaid.

Correction of errors.

**36** No alteration in any Register of births and deaths shall be made, except as herein provided:—

(a) Any clerical error which may from time to time be discovered in any such Register may be corrected by a person duly authorised on that behalf by the Registrar-General, and if the copy of the entry requiring to be corrected should have been then received by the Registrar-General, such copy may be corrected by him after receipt of a notification of the correction in the Register.

(b) Any error of fact or substance in any such Register may, within Three months of the discovery of the error, and not exceeding Two years from date of original registration, be corrected as follows:—

1. The person requiring such error to be corrected shall produce to the Registrar a solemn declaration made by him before a Justice of the Peace setting forth the nature of the error and the true facts of the case.
2. The Registrar shall thereupon make a new entry in the Register Book referring to the original entry, and to which new entry a distinct reference shall be made by writing across the original entry and adding the date of such correction. And the said new entry shall be signed by the person requiring the correction to be made, and by two credible witnesses, who shall respectively sign the Register; of the said three

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persons one at least shall be a person who was required to give information of the birth or death, as the case may be, under the provisions of this Act. A.D. 1895.

- (c) Any error of fact or substance discovered before the passing of this Act, but not corrected within the time heretofore limited for that purpose, may be corrected in the manner herein provided within Three months from the date of the Act coming into operation.

**37** The Registrar-General and all Registrars shall, for facility of reference, cause Indexes to be made of the entries in Register Books in their respective offices, and such Indexes shall be kept with the other records of each office; and every person shall be entitled, at all reasonable hours, on every day, except *Sunday, Christmas Day, Good Friday*, and all public holidays, to search the said Indexes or Register Books, and on production of essential information to have a certified copy of any entry or entries in the said Register Books under the hand of the Registrar-General or Registrar, as the case may be, on payment of the following fees:—

1. Particular search of Index or Register Book only, One Shilling :
2. General search of Index or Register Books, not exceeding One hour, Two Shillings and Sixpence; for every additional hour or part of an hour, One Shilling and Sixpence :
3. Certificate, without seal, with particular search, but exclusive of general search, Two Shillings and Sixpence :
4. Certificate, with seal, with particular search, but exclusive of general search, Five Shillings.

**38** Certificate required by the Government or Registrar-General for public purposes may be issued free of charge. Certificates for public purposes.

**39** In this Act—

The term “general search” means a search without stating the object of search; or, where to aid inquiry some essential particular relating to name, relationship, age, or locality is lacking :

Meaning of “general search” and “particular search” defined.

The term “particular search” means a search for a specific entry where all essential particulars respecting an enquiry are available, and which involves a search in Index Books not extending over a period of Three years.

**40** Certified copies under seal of registers or entries made or given by the Registrar-General or any Registrar, and purporting to be signed by such officers respectively, shall be received as *prima facie* evidence in any Court of Justice within the Colony of the fact of the birth or death to which the same relates. Certified copies of entries to be received as *prima facie* evidence.

**41** Every person who shall offend against this Act by refusing or neglecting to give any notice or information required by any of the foregoing Sections, shall for every such offence forfeit a sum not exceeding Ten Pounds, except when otherwise specially provided by this Act. Penalty on refusing or neglecting to give information.

**42** Every Registrar who shall refuse, or, without reasonable cause, omit to register any birth of which he shall have had due notice and Penalties on Registrars.

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information as aforesaid, and every person having the custody of any Register Book or certified copy thereof, or of any part thereof, who shall negligently lose or injure the same, or negligently allow the same to be injured whilst in his keeping, shall forfeit and pay a sum not exceeding Twenty Pounds for every such offence.

Punishment for false statements.

**43** Every person who shall wilfully make or cause to be made, for the purpose of being inserted in any Register Book of Births or Deaths, any false statement touching any of the particulars required to be known and registered under the provisions of this Act, shall be deemed to be guilty of a Misdemeanor.

Punishment for certain offences.

**44** Every person who shall wilfully destroy or injure, or cause to be destroyed or injured, any Register Book of Births or Deaths, or any part or certified copy of any part thereof, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any part of such Register Book or certified copy thereof, or shall wilfully insert or cause to be inserted in any Register Book or certified copy thereof any false entry of any birth or death, or shall wilfully give any false certificate, or shall certify any writing to be a copy or extract of any Register Book knowing the same Register to be false in any part thereof, or shall forge or counterfeit the signature, or seal, or stamp of the Registrar-General or of any Registrar, or any impression thereof, shall be deemed guilty of Felony, and be liable on conviction to penal servitude for any term not exceeding Five years: Provided always, that every person having the custody or care of any Register Book of Births or Deaths who shall wilfully permit or allow any such offence as aforesaid to be committed, shall be liable to the punishment hereinbefore provided in reference to persons actually committing the same.

Recovery of penalties.

**45** All fines, forfeitures, and penalties by this Act imposed shall be recovered before a Police or Stipendiary Magistrate or any Two Justices of the Peace in a summary way, upon the complaint of any person duly authorised in writing by the Registrar-General.

Appropriation of fines and penalties.

**46** All fines and penalties recovered under this Act shall be paid into and form part of the Consolidated Revenue of the Colony.

Appropriation of Fees.

**47** All Fees received by the Registrar-General and the Registrars for the Districts of *Hobart* and *Launceston* under the provisions of this Act shall be paid into and form part of the Consolidated Revenue Fund of the Colony, and all Fees received by Registrars other than for the Districts of *Hobart* and *Launceston* under the provisions of this Act shall and may be retained by them for their own use and benefit respectively.

Form and effect of declarations required by this Act.

**48** Whenever by this Act any person is required or permitted to make a solemn declaration, any Registrar or Justice of the Peace may take and receive such declaration; and any person who shall wilfully and corruptly make and subscribe any such declaration, knowing the same to be untrue in any material particular, shall be deemed to be guilty of a Misdemeanor.

Registrar may refuse to act till fee is paid.

**49** Any Registrar, or any other person required by this Act to do any act for which a fee is demandable, may refuse to do such act until such fee is first paid.

*Registration of Births and Deaths.*

**50** All persons having the custody of any book or writing containing entries of births or deaths registered under the provisions of any Act or Ordinance in force for the registration of births and deaths prior to *The Registration Act, 1838*, being brought into operation, shall forward such book or writing to the Registrar-General, who shall cause indexes of the same to be made, and shall safely keep such books, writings, and indexes among the other records of births and deaths in his office. Certified copies of any entry contained in any such book or writing may be made or given in like manner as other certified copies may be made or given under this Act, and the provisions of Sections Forty-three, Forty-four, and Forty-eight of this Act shall extend and apply to the matters in this Section provided for.

A.D. 1895.

Books containing entries of births and deaths registered before the coming into operation of "*The Registration Act, 1838*" to be sent to the Registrar-General.

**51** Any person who thinks himself aggrieved by any penalty imposed under the authority of this Act, which is recoverable in a summary way, may appeal against the same in the mode prescribed by *The Appeals Regulation Act*.

Appeal.

## SCHEDULE.

## (1.)

## REPEAL.

Sect. 2.

<i>Date of Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
2 Vict. No. 8.	An Act for registering Births, Deaths, and Marriages in the Island of Van Diemen's Land and its Dependencies.	So much of the Act as relates to the registration or non-registration of the Birth, Death, or Burial of any person.
6 Vict. No. 12.	An Act to amend an Act passed in the Second Year of the Reign of Her present Majesty, intituled " <i>An Act for registering Births, Deaths, and Marriages in the Island of Van Diemen's Land and its Dependencies.</i> "	Sects. 1, 2, and 4.
54 Vict. No. 23.	" <i>The Registration of Births and Deaths Act, 1890.</i> "	The whole Act.

(2.)

Sect. 12.

## 18 BIRTHS IN THE DISTRICT OF

No.	Born— (1) When and (2) Where.	Name of Child, (if any.)	Sex.	Father,—Name and Surname.	Mother— (1) Name and Sur- name. (2) Maiden Sur- name. (3) When and (4) Where married.	Rank or Profession of Father.	Informant— (1) Signature. (2) Description. (3) Residence.	When registered.	Signature of Registrar.	Name, if added after registration of Birth.
	(1) 18 (2)				(1) (2) (3) (4)		(1) (2) (3)			

(3.)

Sect. 12.

## 18 DEATHS IN THE DISTRICT OF

No.	Died— (1) When and (2) Where.	(1) Name and Surname. (2) Birthplace.	Sex.	Age.	Rank or Profession.	(1) Cause of Death. (2) Medical Attendant.	Informant— (1) Signature. (2) Description. (3) Residence.	When Registered.	Signature of Registrar.
	(1) 189 (2)	(1) (2) Born.				(1) (2)	(1) (2) (3)		

*Registration of Births and Deaths.*

(4.)

A.D. 1895.

"REGISTRATION OF BIRTHS AND DEATHS ACT, 1895."

Sect. 18.

## DECLARATION.

I, [*insert name in full*] of [*insert address and profession or calling*], the person responsible for due registration of the birth of which particulars are given below, do solemnly and sincerely declare that owing to great distance or [*here insert reason*] I am unable to attend at the Registry Office of the District as required by Law.

## PARTICULARS RELATING TO BIRTH.

Name of Child (if any)—

Date of birth—

Where born { Town or Place—  
Street—

Sex—

Father—Name and Surname—

Mother—Name and Surname—

Maiden Surname—

When and where married—

Rank or Profession of Father—

Relationship of Declarant to child born—

And I make this solemn Declaration conscientiously believing the same to be true, and by virtue of "The Registration of Births and Deaths Act, 1895."

*Declarant.*

Taken before me this                      day of                      189 .

Signature [*insert whether J.P., Registrar, Postmaster, Police Officer, Medical Practitioner, or other person specially authorised.*]

(5.)

## CERTIFICATE OF BAPTISM OR NAME.

Sect. 20.

I, *A.B.*, do hereby certify that I have this day [*baptised or named*] by the name of  
 a                      child produced to me by  
 as the                      of                      and  
 and declared by the said                      to have been born at  
 on the                      day of                      18 .  
 Witness my hand this                      day of

*A.B.**Minister or Parent or Guardian* [as the case may be].

I certify that the name of the child mentioned in the above Certificate was this day added to the Register of the birth of such child.

*Registrar for the District of*

18 .

(6.)

"REGISTRATION OF BIRTHS AND DEATHS ACT, 1895."

Sect. 24.

## DECLARATION.

I, [*insert name in full*] of [*insert address and profession or calling*] the person responsible for due registration of the Death of which particulars are given below, do solemnly and sincerely declare that owing to great distance or [*here insert reason*] I am unable to attend at the Registry Office of the District as required by Law.

