

**REGISTRATION OF BIRTHS DEATHS AND
MARRIAGES (AMENDMENT) ACT.**

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINA

: * :

Act No. 93, 1970.

An Act to make further provisions with respect to the registration of the births of illegitimate children; for this and other purposes to amend the Registration of Births Deaths and Marriages Act 1899; and for purposes connected therewith.
[Assented to, 9th December, 1970.]

BE

1891

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BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the “Registration of Births Deaths and Marriages (Amendment) Act, 1970”.

Amendment
of Act No.
17, 1899.

2. The Registration of Births Deaths and Marriages Act 1899 is amended—

Sec. 19.
(Notice of
births.)

(a) (i) by inserting in section nineteen after the word “purpose” the words “: Provided that where the person acknowledging himself to be the father of an illegitimate child informs the district registrar of the birth of the child and of all required particulars within the time referred to and the Registrar-General approves of a sole request made by him under subsection three of section 19B of this Act being given effect to, the mother of the child shall not be guilty of an offence against this Act by reason of her failure so to inform the district registrar”;

(ii) by omitting from the same section the words “In default of a parent so informing the district registrar” and by inserting in lieu thereof the words “If the district registrar is not so informed”;

Sec. 19B.
(Saving for
father of
illegitimate
child.)

(b) (i) by omitting from subsection one of section 19B the words “the name of any person as 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 such person shall in such case sign the register together with the mother” and by inserting in lieu

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lieu thereof the words "the name of and any other particulars relating to any person as father of that child except in accordance with this section";

(ii) by inserting at the end of the same section the following new subsections :—

(3) Subject to subsection four of this section, a district registrar, when registering the birth of an illegitimate child, shall—

- (a) at the joint request, verified by statutory declaration, of the mother and the person acknowledging himself to be the father of the child; or
- (b) at the sole request, verified by statutory declaration, of the person acknowledging himself to be the father of the child,

enter in the register the name of and other relevant particulars relating to that person as father of the child.

(4) An entry shall not be made under subsection three of this section at the sole request of the person acknowledging himself to be the father of an illegitimate child unless the Registrar-General—

- (a) is satisfied that the mother of the child is dead or that her whereabouts are unknown or that she is unable to join in a request and declaration referred to in paragraph (a) of that subsection; and
- (b) approves of the request being given effect to.

(5)

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(5) Where the birth of an illegitimate child has (whether before or after the commencement of the Registration of Births Deaths and Marriages (Amendment) Act, 1970) been registered and the name of and other relevant particulars relating to a person as father of the child were not required by this Act to be included in the entry (in this section referred to as the "birth entry") made at the time of that registration, the Registrar-General may, subject to subsection seven of this section—

- (a) where the birth entry is contained in his register—amend the birth entry; or
- (b) where the birth entry is contained in a register other than his register—amend the copy of the birth entry kept in the General Registry,

by making, signing and dating, in the margin adjoining the birth entry or copy of the birth entry, as the case may be, an entry containing that name and those particulars.

(6) Where the Registrar-General amends the copy of a birth entry under paragraph (b) of subsection five of this section, he shall direct the district registrar who has custody of the register in which the birth entry was made to amend the birth entry by making, signing and dating, in the margin adjoining the birth entry, an entry containing that name and those particulars, and the district registrar shall carry out that direction.

(7)

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(7) The Registrar-General shall not amend No. 93, 1970 the birth entry relating to an illegitimate child, or the copy of such an entry, under subsection five of this section unless—

- (a) at the joint request, verified by statutory declaration, of the mother and the person acknowledging himself to be the father of the child; or
- (b) at the sole request, verified by statutory declaration, of the person acknowledging himself to be the father of the child,

and, in the case of a sole request referred to in paragraph (b) of this subsection, unless the Registrar-General is satisfied that the mother of the child is dead or that her whereabouts are unknown or that she is unable to join in a request and declaration referred to in paragraph (a) of this subsection.

(8) Every certified copy of a birth entry amended in accordance with subsection five or six of this section shall include the matter contained in that entry and the entry in the margin.

- (c) (i) by omitting from subsection one of section Sec. 20. twenty the words “within six months next after (Registration after sixty days after birth.) the birth”;
- (ii) by inserting next after subsection two of the same section the following new subsection :—

(2A) Notwithstanding anything in the foregoing provisions of this section, where the person acknowledging himself to be the father of an illegitimate child makes, after the expiration of sixty days following the birth of the

child,

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child, such a declaration as is referred to in subsection one of this section, and the Registrar-General approves of a sole request made by him under subsection three of section 19B of this Act being given effect to, the district registrar shall register the birth.

(iii) by omitting from subsection three of the same section the words "such declaration" and by inserting in lieu thereof the words "a declaration under this section";

(iv) by inserting next after the same subsection the following new subsection :—

(4) The provisions of this section have effect subject to the provisions of section twenty-two of this Act.

Sec. 22.
(Special
provisions
as to regis-
tration
after six
months
after
birth, etc.)

(d) by omitting from subsection one of section twenty-two the words "the declaration to found the registration may be made at any time, or if such declaration" and by inserting in lieu thereof the words "if a declaration, referred to in subsection one or (2A) of that section, to found the registration".

STAMP