

REGISTRATION  
OF BIRTHS DEATHS  
AND MARRIAGES.

Act No. 17, 1899.

An Act to consolidate the Acts relating to the  
Registration of Births Deaths and Marriages.  
[20th November, 1899.]

**B**E 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 :—

PART I.

*Repeal and Preliminary.*

1. This Act may be cited as the "Registration of Births Deaths and Marriages Act 1899" and is divided into Parts as follows :—

PART I.—*Repeal and Preliminary*—ss. 1-3.

PART II.—*Establishment of Registry Offices and Districts—Appointment of Registrars*—ss. 4-6.

PART III.—*Duties of Registrar-General and District Registrars*—ss. 7-16.

PART

*Registration of Births Deaths and Marriages.*

PART IV.—*Transferred Clergy Returns—ss. 17–18.*

PART V.—*Provisions as to Registration of Births—ss. 19–26.*

PART VI.—*Provisions as to Registration of Deaths—ss. 27–30.*

PART VII.—*Registration of Ministers for celebrating Marriages—ss. 31–36.*

PART VIII.—*Penalties—ss. 37–42.*

PART IX.—*Clerical Fees—s. 43.*

2. (1) The Acts mentioned in the First Schedule to this Act Repeal.  
First Schedule. are to the extent therein expressed hereby repealed.

(2) All persons appointed under the Acts hereby repealed Officers under  
repealed Acts. and holding office at the time of the passing of this Act shall be deemed to have been appointed hereunder.

(3) The “General Registry for New South Wales” established General Registry  
under repealed Acts. under the Act nineteenth Victoria number thirty-four hereby repealed shall be deemed to have been established under this Act.

(4) All registry districts proclaimed under the authority of Registry districts  
under repealed Acts. any Act hereby repealed and existing at the time of the passing of this Act shall be deemed to have been proclaimed hereunder.

(5) All ministers of religion registered as ministers for cele- Ministers for  
celebrating marriages  
under repealed Acts. brating marriages under the authority of any Act hereby repealed and continuing to be so registered at the time of the passing of this Act shall be deemed to have been registered hereunder.

(6) All regulations made under the authority of any Act Regulations under  
repealed Acts. hereby repealed and being in force at the time of the passing of this Act shall be deemed to have been made hereunder.

(7) All books forms seals or stamps authorised to be used Books, forms, &c.,  
under repealed Acts. under any of the Acts hereby repealed and in use at the time of the passing of this Act shall be deemed to have been authorised hereunder.

3. In this Act unless the context or subject-matter otherwise Interpretation.  
19 Vic. No. 34 s. 1.  
Schedule A. indicates or requires—

“Parent” means father or if he is dead or absent the mother or guardian.

“Tenant” means principal occupier for the time being of any dwelling-house or tenement and in the case of a gaol prison house of correction hospital lunatic asylum or other public or charitable institution the head officer or person in actual charge thereof.

“Seal” means any seal stamp or die caused to be made by the Registrar-General.

“District registrar” means any district registrar or assistant district registrar.

*Registration of Births Deaths and Marriages.*

## PART II.

*Establishment of Registry Offices and Districts—Appointment of Registrars.*

General registry  
office.  
19 Vic. No. 31 s. 2.

4. (1) The Governor may establish by notice in the Gazette an office in the city of Sydney for registering all births marriages and deaths in New South Wales to be called the "General Registry for New South Wales."

Registrar-General.

(2) The Governor may appoint a fit person to be Registrar-General.

Registry districts.  
*Ibid.* s. 3.

5. For the purposes of this Act the Governor may by proclamation in the Gazette from time to time alter as he thinks fit the existing division of New South Wales into registry districts but so that one of such registry districts shall be the registry district of Sydney.

District registrars.  
*Ibid.* s. 4.

6. (1) The Governor may appoint such persons as he thinks fit to be district registrars and assistant district registrars for such districts respectively except for the district of Sydney.

(2) The office of district registrar for the district of Sydney shall be vested in the Registrar-General.

## PART III.

*Powers and Duties of Registrar-General and District Registrars.*

Registrar-General to  
supply books and  
forms.

*Ibid.* s. 8.

7. The Registrar-General shall from time to time at the public expense furnish to every district registrar—

- (a) books for the registry of births marriages and deaths and
- (b) forms for certified copies of the entries in such books.

District registrar  
to register.

*Ibid.* s. 8.

8. (1) Every district registrar shall inform himself carefully of every birth marriage and death happening within his district and shall as soon as possible after the event without fee or reward register the same respectively and the particulars thereof in such books according to the respective forms contained therein or so furnished to him.

(2) Every entry shall be made in order from the beginning to the end of the book and every such book shall be paged consecutively.

District registrars  
may make inquiries  
regarding marriages.

*Ibid.* s. 17.

9. Any district registrar may ask of any person married or about to be married the several particulars required to be registered touching any such marriage and of any person seeking to register any birth or death any of the particulars hereby required to be registered.

Returns to General  
Registry.

*Ibid.* s. 9.

10. (1) Every district registrar shall in the months of April July October and January in each year transmit to the General Registry copies of the registers of births marriages and deaths made in his office during the three months next preceding.

(2)

*Registration of Births Deaths and Marriages.*

(2) All such copies shall be thereafter kept in the General Registry in such order and manner as the Registrar-General thinks fit so that the same may be most readily seen and examined.

11. (1) The Registrar-General shall cause the following indexes to be made and kept in the General Registry :—

- (a) indexes of the several district registries
- (b) indexes of his own register for the district of Sydney
- (c) one general index of all the births marriages and deaths in New South Wales.

(2) Every district registrar shall cause indexes of his register-books to be made and kept in his office.

12. (1) Every person on payment of the fees specified in that behalf in the Second Schedule hereto and giving in a written memorandum of the particular entry which he desires to find or search for shall be entitled—

- (a) at reasonable hours to be fixed by the regulations hereunder to search any of such indexes and also the several registers or books in which such entry appears to be and
- (b) to have a copy of any entry in any such book certified by the Registrar-General or district registrar as the case may be.

13. The Registrar-General shall cause a seal or stamp to be made for the General Registry and for each district registry office and the Registrar-General and district registrars respectively shall sign and cause to be sealed or stamped therewith all certificates or certified copies given in their respective offices.

14. The Registrar-General may subject to the approval of the Governor make regulations from time to time for the management of the General Registry and to be observed by the district registrars and such regulations when so approved shall be published in the Gazette and be thereupon as binding on all persons affected thereby as if they formed part of this Act.

15. (1) The Registrar-General and every district registrar shall for the duties to be performed under this Act or the Marriage Act 1899 receive the several fees specified in the Second Schedule hereto.

(2) Subject to the provisions of the Audit Act 1898 all such fees shall be retained by such district registrars for their own use except the fees paid to the Registrar-General or in his office which shall be accounted for and paid by him respectively to the Consolidated Revenue Fund.

16. (1) Where an error is discovered to have been committed in the form or substance of any entry in the register of a birth marriage or death the person charged with the duty of making such entry shall not be liable to any penalty if within one month next after the discovery of the error he truly corrects the same by making signing and dating a new entry in the margin without altering the original entry.

---

*Registration of Births Deaths and Marriages.*

---

(2) Every such correction shall be made—

- (a) in the case of a birth in the presence of the parent
- (b) in the case of a marriage in the presence of either of the parties
- (c) in the case of a death in the presence of the tenant or
- (d) in any of such cases respectively in the presence of the district registrar.

(3) The district registrar shall make the like alteration in every certified copy of the register made after any such correction or if a certified copy has been already made shall make and deliver a separate certified copy of the original erroneous entry and of the new and correct marginal entry.

---

PART IV.

*Transferred Clergy Returns.*

Registrar to keep transferred returns.  
12 Vic. No. 5 s. 1.

**17.** (1) The Registrar-General shall keep in the General Registry for New South Wales all returns of baptisms marriages and burials and all transcripts registers and records thereof and every index of or to the same which under the provisions contained in the Clergy Returns Transfer Act of 1878 were transferred to the Registrar-General.

Certificates of such returns.

(2) The Registrar-General shall grant certificates or certified copies of such returns transcripts registers and records in like manner as under the several provisions of this Act applicable to registration of marriages births and deaths or incidental thereto or consequent thereon.

Certificates and fees.  
*Ibid.* s. 3.

**18.** (1) All certificates or certified copies granted by the Registrar-General under this Part of this Act shall be of the same and the like force and effect to all intents and purposes as certificates and certified copies of the registers of marriages births and deaths granted under other Parts of this Act.

Second Schedule.

(2) The like fees shall be chargeable and paid for such certificates or copies respectively and for searches as are authorised by section fifteen of this Act and the Second Schedule hereto.

*Registration of Births Deaths and Marriages.*

## PART V.

*Provisions as to Registration of Births.*

**19.** In each case of the birth of any child in New South Wales the parent shall within sixty days next thereafter inform the district registrar of such birth and of all the particulars concerning the same according to the forms of registration hereinbefore referred to.

**20.** (1) After the expiration of sixty days following the birth of any child in New South Wales no district registrar shall register such birth unless—

- (a) some person present at the birth or
- (b) the parent

makes within six months next after the birth a solemn declaration according to the best of his knowledge and belief of the particulars hereinbefore mentioned.

(2) Upon such declaration being made the district registrar shall register the birth.

(3) Every person or parent who states a wilful falsehood in such declaration shall be subject to the penalties of perjury.

**21.** (1) In every case of the arrival in New South Wales of a child under the age of eighteen months born at sea or in any place out of New South Wales whose parents are about to take up their abode in New South Wales the district registrar shall upon a solemn declaration by the parent of the particulars so required as aforesaid register the birth.

(2) Every parent who states a wilful falsehood in such declaration shall be subject to the penalties of perjury.

**22.** (1) A district registrar shall not register the birth of any child after the expiration of six months

- (a) following such birth if in New South Wales or
- (b) after the arrival in New South Wales of the child if born at sea or out of New South Wales.

(2) No register or certified copy of a register of birth made contrary to this section shall be received in evidence to prove the birth of any child.

**23.** (1) Where a name is duly given to a child at any time after the registration of its birth the parent shall within seven days after the giving of such name procure and deliver to the district registrar in whose custody the register of the birth of such child then happens to be a certificate according to the form in the Third Schedule hereto signed by the minister or other person who gave such name.

(2) Such minister or other person shall deliver the said certificate whenever demanded on payment of the fee of one shilling.

(3)

---

*Registration of Births Deaths and Marriages.*

---

Registration of name.

(3) The district registrar upon receipt of such certificate shall without any erasure of the original entry forthwith make an additional entry in the register that such name was by baptism or otherwise duly given to the child.

(4) The district registrar shall thereupon certify on the said certificate the additional entry so made.

Masters of British and colonial vessels to report births.  
Fourth Schedule.  
19 Vic. No. 34 s. 26.

**24.** (1) All masters or commanders of British or colonial vessels shall on arrival in any port in New South Wales furnish to the health officer of the port or if there be no health officer to the chief officer of customs the particulars of every birth which has occurred on board such vessel while at sea according to the form in the Fourth Schedule hereto.

Form to be supplied.

(2) Such health officer or officer of customs shall supply to the master or commander of the vessel the said form on being required so to do.

Compulsory registration not retrospective.  
*Ibid.* ss. 27, 38.

**25.** Nothing herein contained as to the compulsory registration of births shall extend to any child born before the first day of March one thousand eight hundred and fifty-six but the parent may require the birth to be registered under the like provisions as are herein contained as nearly as may be and the district registrar shall register the same accordingly.

Finding of child.  
*Ibid.* s. 28.

**26.** In case any new-born child is found exposed the chief or head constable of the district shall forthwith inform the district registrar thereof and of the place where such child was found.

---

PART VI.

*Provisions as to Registration of Deaths.*

Notice of deaths.  
*Ibid.* s. 21.

**27.** In each case of the death of any person in New South Wales the tenant of the house or place shall within thirty days next thereafter inform the district registrar of such death and of all the particulars concerning the same according to the forms of registration hereinbefore referred to.

Masters of British and colonial vessels to report deaths.  
Fifth Schedule.  
*Ibid.* s. 26.

**28.** (1) All masters or commanders of British or colonial vessels shall on arrival in any port in New South Wales furnish to the health officer of the port or if there be no health officer to the chief officer of customs the particulars of every death which has occurred on board such vessel while at sea according to the form in the Fifth Schedule hereto.

(2) Such health officer or officer of customs shall supply to the master or commander of the vessel the said form on being required so to do.

*Registration of Births Deaths and Marriages.*

29. (1) In case any dead body is found exposed the coroner or Finding of body.  
 if none such the nearest justice of the peace shall forthwith inform 19 Vic. No. 34 s. 28.  
 the district registrar thereof and of the place where such dead body  
 was found.

(2) Where an inquest or magisterial inquiry is held on any Notice of inquest.  
 dead body the coroner or magistrate as the case may be shall notify to  
 the district registrar the verdict of the jury or the opinion of such  
 magistrate with all other particulars required to be registered concern-  
 ing the death and such registrar shall make the entry accordingly.

30. (1) Every district registrar immediately upon registering Certificates of deaths  
 any death or as soon thereafter as he is required so to do shall and burials.  
 without fee or reward deliver to the undertaker or other person having Sixth Schedule.  
 charge of the funeral a certificate under his hand according to the Ibid. s. 29.  
 form in the Sixth Schedule hereto that such death has been duly  
 registered.

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

(3) If any dead body is buried for which no certificate has  
 been so delivered the person who buries the same or performs any  
 funeral or religious service for the burial or who in any other way  
 disposes of the body shall forthwith give notice of the facts to the  
 district registrar.

(4) The coroner or magistrate holding an inquest or inquiry Seventh Schedule.  
 upon any dead body for which no certificate has been delivered as  
 aforesaid may order the body to be buried before registration and shall  
 in such case give a certificate of his order in writing under his hand  
 according to the form in the Seventh Schedule hereto to such under-  
 taker or other person having charge of the funeral.

(5) Every undertaker or other person who buries or otherwise Eighth Schedule.  
 disposes of any dead body shall forthwith cause to be transmitted to  
 the district registrar a certificate thereof in the form or to the effect  
 set forth in the Eighth Schedule hereto countersigned by two respect-  
 able householders.

PART VII.

*Registration of Ministers for celebrating Marriages.*

31. (1) The Registrar-General upon receiving from any minister Registration of  
 of religion ordinarily officiating as such a requisition that he may be ministers of religion.  
 registered as a minister for celebrating marriages within New South Ibid. s. 11.  
 Wales shall forthwith without fee or reward register the name of such  
 minister with the particulars mentioned in subsection (3) in a register  
 book to be kept by him expressly for that purpose.



---

*Registration of Births Deaths and Marriages.*

---

(2) Such requisition shall be in writing under the hand of the minister making the requisition or of the head of the denomination to which he belongs.

(3) Such requisition shall specify the name religious denomination designation and residence of the minister.

Changes of ministers' residence.

19 Vic. No. 34 s. 12.

**32.** Whenever any minister so registered ceases to reside in the registrar's district within which his registered or last registered residence was situated or is not properly designated by the name or description so registered he shall within three months next following cause his name and new residence or designation (as the case may be) to be registered anew with the Registrar-General or in default thereof such minister shall not be deemed registered within the meaning of the Marriage Act, 1899.

Publication of ministers' names.

*Ibid.* s. 13.

**33.** The Registrar-General shall within one month after receiving any requisition as aforesaid publish in the Gazette the name of and the particulars concerning every officiating minister registered by him.

Annual list of names.

*Ibid.* s. 14.

**34.** (1) The Registrar-General shall in the month of January in each year publish in the Gazette a list of the names of all ministers then duly registered in his office with their designations denominations and residences.

(2) The registry districts within which such residences are situated shall be distinguished in the said list.

List to be evidence.

(3) Every such annual list shall be evidence in all courts of justice that the persons therein named and no others were at the time of its publication ordinarily officiating and duly registered ministers of religion for the celebration of marriages.

When names to be omitted.

*Ibid.* s. 15.

(4) Whenever the Registrar-General knows that any registered minister is dead or has left New South Wales or resides in another district than the one within which he was last registered as residing or has ceased ordinarily to officiate as a minister he shall omit the name of such minister from the next annual list.

Registrar-General to furnish books.

*Ibid.* s. 8.

**35.** The Registrar-General shall from time to time at the public expense furnish to every officiating minister so registered books for the registry of marriages.

Minister may make inquiries regarding marriages.

*Ibid.* s. 17.

**36.** Any officiating minister may ask of any person married or about to be married the several particulars required to be registered touching any such marriage.

*Registration of Births Deaths and Marriages.*

PART VIII.

*Penalties.*

- 37.** Every person who—
- (a) refuses or neglects to give any notice or information required by this Act or
- (b) knowingly registers any birth or death contrary to the provisions of this Act
- shall forfeit a sum not exceeding ten pounds.
- 38.** Every district registrar who refuses or without reasonable cause omits to register any birth marriage or death of which he has had due notice as aforesaid shall forfeit a sum not exceeding twenty pounds.
- 39.** Every person having the custody of any register book or certified copy thereof or any part thereof who negligently loses or injures the same or negligently allows the same to be injured whilst in his keeping shall forfeit a sum not exceeding twenty pounds.
- 40.** Every person who causes his name to be registered under this Act as an ordinarily officiating minister of religion he being at the time not such a minister and knowing himself not to be such shall be deemed guilty of a misdemeanour and be liable to a fine not exceeding two hundred pounds or to imprisonment not exceeding two years.
- 41.** All fines forfeitures and penalties imposed by this Act shall unless otherwise provided be recovered before any two justices of the peace or police magistrate in a summary way upon the complaint of any person.
- 42.** All fines and penalties and all fees paid to the Registrar-General under this Act shall be paid to the Consolidated Revenue Fund.

Neglect to give notice or information. 19 Vic. No. 34 s. 32.

District registrar refusing or omitting to register. *Ibid.* s. 33.

Losing or injuring register book, &c. *Ibid.* s. 33.

Persons pretending to be ministers. *Ibid.* s. 16.

Recovery of penalties. *Ibid.* s. 36.

Application of penalties. *Ibid.* s. 37.

PART IX.

*Clerical Fees.*

- 43.** Nothing herein contained shall affect the right of any officiating Minister to receive the fees now usually paid for the performance of any religious rite of baptism marriage or burial.

Clerical fees not prejudiced. *Ibid.* s. 39.

SCHEDULES.

---

*Registration of Births Deaths and Marriages.*


---

## SCHEDULES.

## FIRST SCHEDULE.

Sec. 2 (1).

Reference to Act.	Title or short title.	Extent of repeal.
7 Vic. No. 16 ...	Registration of Deeds ... ..	Sections 8, 10, and Schedule B, the un-repealed portions; Section 35, the whole.
19 Vic. No. 34 ...	An Act for registering Births Deaths and Marriages.	The whole not already repealed.
42 Vic. No. 5 ..	The "Clergy Returns Transfer Act of 1878."	The whole.

## SECOND SCHEDULE.

Secs. 12, 15, 18,  
19 Vic. No. 34,  
Schedule B.7 Vic. No. 16,  
Schedule B 15, 16.

Every search in any Index (to be paid beforehand) ... ..	Five shillings.
Every certified copy of any entry (payable on delivery) ...	Two shillings.
Every certified copy of any birth death or marriage ... ..	Two shillings.
Every marriage performed by registrar... ..	Twenty shillings.
Every search for certificates of marriages births baptisms or burials registered prior to the passing of the Act 19 Vic. No. 34 ... ..	One shilling.
Every copy of such last-mentioned certificate ... ..	One shilling.

## THIRD SCHEDULE.

Sec. 21 (1).  
*Ibid.* Schedule C.

I A.B. of [ ] do hereby certify that I have this day baptised by the name of *Thomas* [or that the name of *Thomas* hath this day been given to] a *male* child produced to me by *William Green* as the son of *William Green* and *Rebecca Green* and declared by the said *William Green* to have been born at  
on the                      day of                      18  
Witness my hand this                      day of                      18  
Signature.

FOURTH

Registration of Births Deaths and Marriages.

FOURTH SCHEDULE.

MARINE REGISTER OF BIRTHS.

18 BIRTHS on board the ship (*Marco Polo*) sailed from (*the Port of Liverpool*) on the (*nineteenth*) Registered by Captain } **CHARLES THOMSON**  
 day of (*March 18*) and arrived at (*Port Jackson*) on the (*tenth*) day of (*May 18*). } or Officer in Charge. } *Captain.*

CHILD.	PARENTS.		INFORMANTS.		REGISTRATION.		WITNESSES.
	FATHER.	MOTHER.	Signature Description and former Residence of Informants.	When Registered and where.	Signature of the Captain or Master.	Name if added after Registration of Birth.	
1	(1) Name and Surname, Rank or Profession of the Father. (2) Age and (3) Birth-place. Alfred Vaughan Solicitor, 37, Ash next Sandwich Kent. 23 June 18 Canterbury Charlotte 3 George 1 Both living.	(1) Name and Maiden Surname of Mother. (2) Age and (3) Birth-place. Elizabeth Ann formerly Beaumont late Scott, 32, Ashford Kent.	Alfred Vaughan Father Dover Kent.	30 April 18 on board the ship <i>Marco Polo</i> .	Charles Thomson Captain.	.....	(1) Accoucher by whom certified and (2) Signatures of Witnesses. Alexander Hamilton Surgeon.

FIFTH SCHEDULE.

MARINE REGISTER OF DEATHS.

18 DEATHS on board the (*Barque Constantine*) sailed from (*the Port of Liverpool*) on the (*seventeenth*) Registered by Captain } **DAVID APPLETON**  
 day of (*January 18*) and arrived at (*Port Jackson*) on the (*tenth*) day of (*May 18*). } or Officer in Charge. } *Captain.*

DESCRIPTION	Cause of Death, Duration of last illness, Medical Attendant by whom Certified and When he last saw deceased.	Name and Surname of Father and Mother if known with rank or profession.	Signature, description and former residence of Informant and Witness.	Signature of Captain or Master, Date and where Registered. (Latitude and Longitude.)	IF DECEASED WAS MARRIED.		
					Name and religion of Minister or names of Witnesses of Burial.	Where and to whom.	
1	(1) Typhus Fever. (2) 14 days. (3) Archibald Galtie. (4) Twenty-second April 1853. Male 37 years	Henry Ashdown, Mary Ashdown, Wheelwright.	Margaret Ashdown Widow of deceased Bristol. Patrick McElroy Scaman Dublin.	David Appleton Captain, 24th April 18 Lat. Long.	When buried, 27th April 18	ANCIENTS Broomfield Independent Minister. Jonas Carter Ship Carpenter. Bristol.	Where and to whom. Bristol, Twenty-two years. Margaret Bennett. Two dead—One boy One girl.

Sec. 25 (1), 19 Vic. No. 34, Schedule D.  
 Sec. 28 (1), *Ibid.* Schedule E.

## Act No. 18, 1899.

---

*Landlord and Tenant.*

---

Sec. 30 (1), 19 Vic.  
19 Vic. No. 34,  
Schedule F.

## SIXTH SCHEDULE.

I A.B. registrar of births and deaths in the district of \_\_\_\_\_ do hereby certify that the death of *Robert Taylor* was duly registered by me on the \_\_\_\_\_ day of \_\_\_\_\_ 18 .

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_ 18 .  
(Signed) A.B. District Registrar.

Sec. 30 (4).  
*Ibid.* Schedule G.

## SEVENTH SCHEDULE.

I A.B. coroner for the district of [or justice of the peace of \_\_\_\_\_] do hereby order the burial of the body now shown to the inquest jury [or to me] as the body of *Thomas Jones*.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_ 18 .  
A.B. Coroner  
or  
J.P. [*as the case may be*].

Sec. 30 (5).  
*Ibid.* Schedule H.

## EIGHTH SCHEDULE.

I A.B. of \_\_\_\_\_ undertaker do hereby certify that the body of [C.D.] was on the \_\_\_\_\_ day of \_\_\_\_\_ 18 duly buried at \_\_\_\_\_ and in presence of the undersigned.

Witness our hands this \_\_\_\_\_ day of \_\_\_\_\_ 18 .  
(Signed) A.B. Undertaker.

(Countersigned)

W.X. }  
Y.Z. } Householders.

---