REPUBLIC OF VANUATU

CIVIL REGISTRATION AND IDENTITY MANAGEMENT ACT NO. 28 OF 2021

Civil Registration and Identity Management Regulation Order No. 114 of 2022

Arrangement of Sections

PART 1 PRELIMINARY MATTERS

1 Interpretation 5
2 Purpose of Central Register 5
3 Application of this Regulation 5

PART 2 GENERAL PROVISIONS FOR NOTIFICATION AND REGISTRATION

Division 1 Notification

4 Notification of vital events for a citizen 6
5 Notification of vital events for a non-citizen resident 6
6 General requirements for notification of vital events for a stateless person or refugee 6
7 Document confirming a person's civil status 7
8 Interpreters and other assistance 7

Division 2 Registration

9 Registration of vital events 7
10 Registration of vital events and civil status data 7
11 Occurrence of a registration 8
12 Proof of a registration document 8
13 Certificate of registration of a vital event 8
14 Evidence of a vital event in the Central Register 8

PART 3 NOTIFICATION AND REGISTRATION OF BIRTH

15 Notification of a birth 9
16 Registration of a birth 9
17 Presence of parents or other informant for registration 10
18 Unregistered parents or other informants 10
19 Data to be registered for child's parents 10
20 National Identification Number and citizenship 10
21 Place of birth 10
22 Unknown date of birth 10
23 Use of surname 11
24 Birth certificate 11
25 Child without known parent or guardian 11
26 Birth on ships and aircrafts 11
27 Foetal death 12
28 Death of a child before birth registration 12

PART 4 NOTIFICATION AND REGISTRATION OF DEATH

29 Notification of death 13
30 Registration of death 14
31 Death of person who is not registered 14
32 Date of death in certain circumstances 14
33 Presumption of death of a spouse 14
34 Death outside Vanuatu 15
35 Notice of unregistered death 15
36 Necessary police consent or clearance 15
37 Attendance of a medical practitioner 16

PART 5 NOTIFICATION AND REGISTRATION OF MARRIAGE

38 Notification of marriage 17
39 Party to a marriage not registered 17
40 Registration of marriage 17

PART 6 – NOTIFICATION AND REGISTRATION OF DIVORCES AND NULLITIES OF MARRAIGE

41 Notification 18
42 Registration of divorce or nullity 18

PART 7 – NOTIFICATION AND REGISTRATION OF ADOPTION

43 Notification of an adoption 19
44 Registration of adoption 19
45 Verification with the court 19
46 No birth certificate for an adopted child or not registered 20
47 No registered data about adoptive parents 20
48 Change of name in court order 20
49 Foreign adoptions 20
50 Child's country of birth 20

51 Amendment or revocation of adoption order 20

PART 8 - REGISTRATION OF ACKNOWLEDGEMENT OF PATERNITY OR MATERNITY, AFFILIATION OR CONTESTING PATERNITY OR MATERNITY

52 Registration of acknowledgement of paternity or maternity, affiliation or contesting paternity or maternity 21
53 Contested parentage 21
54 Registration details 21

PART 9 - REGISTRATION OF THE CHANGE OF A NAME OR SURNAME, OR BOTH

55 Change of name or surname or both 22

PART 10 ENQUIRIES BY THE REGISTRAR-GENERAL

56 Enquiries 23
57 Notice requiring a person to provide information 23
58 Incorrect or incomplete registration 23

PART 11 CHANGING, CORRECTION, SUPPLEMENTING AND CANCELLATION OF THE CENTRAL REGISTER DATA

59 Changing, correction or cancellation of a person's civil status 24
60 New or changed data 24
61 Documents verifying changes etc. 24
62 Changes on Registrar-General's initiative 24
63 Entry to be made in record of civil status 25
64 Date of birth 25
65 Name of a place 25
66 Amendment of a person's civil status 25
67 Cancellation 25
68 Provision of correct data 26
69 Data rights 26
70 Correction of date or rearrangement of a name 26

PART 12 APPEAL

71 Appeal relating to registration of vital events 27
72 Appeal Committee 27
73 Appeal on the merits 27
74 Legal review 27

PART 13 ISSUANCE OF CERTIFICATES AND OTHER DOCUMENTS PREPARED ON THE BASIS OF THE CENTRAL REGISTER

75 Certificates of a person's civil status 28
76 Birth Certificate 28
77 Death certificate 28
78 Form of certificates and other documents 28

PART 14 PROVISION OF DATA FROM THE CENTRAL REGISTER

79 Application for provision of data by certain data recipients....29
80 Data Provision Agreement....29
81 Transmission of data....29
82 Inaccuracies in data....29
83 Data to be used for research....30

PART 15 SECURITY OF THE CENTRAL REGISTER DATA

84 Security of data....31
85 Measures to protect data....31
86 Personal data....31

PART 16 MISCELLANEOUS

87 Offences....32
88 On the Spot Fines....32
89 Registrars....32
90 Commencement....32

SCHEDULE

REPUBLIC OF VANUATU

CIVIL REGISTRATION AND IDENTITY MANAGEMENT ACT NO. 28 OF 2021

Civil Registration and Identity Management Regulation Order No. 114 of 2022

In exercise of the powers conferred on me by section 48 of the Civil Registration and Identity Management Act No. 28 of 2021, I, MAA'U KORO MOLI TAMBE URE VIRA TAMBE LAVISE-VAHE ALATOI ISHMAEL KALSAKAU, Deputy Prime Minister and Minister for Internal Affairs, on the advice of the Registrar-General, make the following Order.

PART 1 PRELIMINARY MATTERS

1 Interpretation

In this Regulation, unless the contrary intention appears:

Act means the Civil Registration and Identity Management Act 2021;

Committee means the Appeal Committee;

data provision agreement means the data provision agreement in clause 80;

data recipient means a data recipient under clause 79;

informant means any person who has authority under this Regulation to notify a vital event;

medical certificate of death means a certificate confirming a death that is signed by a registered medical practitioner;

register means to register a vital event or a person's civil status data in the Central Register.

2 Purpose of Central Register

The purpose of the Central Register is to collect, process, store and maintain data in accordance with this Regulation and including personal data in the Population Register.

3 Application of this Regulation

This Regulation applies to a vital event whether it occurred before, on or after the commencement of this Regulation.

PART 2 GENERAL PROVISIONS FOR NOTIFICATION AND REGISTRATION

Division 1 Notification

4 Notification of vital events for a citizen

(1) Subject to clause 7, if a person is a citizen of Vanuatu and notifies a vital event, the person must submit to the Registrar-General a valid document proving the person's personal identity.

(2) A valid document includes but is not limited to the following:

(a) a National Identity Card;

(b) a birth certificate;

(c) a passport;

(d) a driver's licence.

5 Notification of vital events for a non-citizen resident

(1) Subject to clause 7, if a person is a resident of Vanuatu, but not a citizen of Vanuatu, and notifies a vital event, the person must submit to the Registrar-General a valid document proving the person's personal identity.

(2) A valid document includes but is not limited to the following:

(a) a travel document that is acceptable to the Registrar-General;

(b) a Vanuatu residence permit;

(c) a passport;

(d) a refugee card or other migrant identification certificate that is acceptable to the Registrar-General;

(e) a registration certificate which may be submitted for the verification of identity of the person concerned.

6 General requirements for notification of vital events for a stateless person or refugee

Subject to clause 7, if a person is stateless or a refugee and notifies a vital event, the person must submit to the Registrar-General a document that the Registrar-General is satisfied proves the person's personal identity as a stateless person or confirms the protection of the person as a refugee in Vanuatu.

7 Document confirming a person's civil status

(1) If a document referred to in clause 4, 5 or 6 is not available, a document acceptable to the Registrar-General confirming the person's civil status may be submitted.

(2) A document includes but is not limited to the following:

(a) a birth notification or other document proving the person's birth;

(b) original certificates of civil status issued by competent institutions;

(c) a report from a registered medical practitioner;

(d) a court order;

(e) any other document that is acceptable to the Registrar-General confirming a person's civil status.

8 Interpreters and other assistance

To assist with the notification of a vital event, the Department must so far as practicable provide interpreters, and personal or digital assistance to persons who are visual, hearing or speech impaired.

Division 2 Registration

9 Registration of vital events

In registering a vital event, the following steps must be followed:

(a) assessing the data, information, documents or copies submitted for registration;

(b) deciding whether to register the vital event;

(c) recording the data in the Central Register;

(d) supplementing the Central Register data with the data of registration procedures;

(e) issuing of a document confirming the registration in the Central Register;

(f) transferring relevant documents to the archive of the Central Register.

10 Registration of vital events and civil status data

(1) For the purpose of this clause, **registration centre** means a place approved by the Registrar-General as a place to register vital events.

(2) The Registrar-General must register a vital event and record a person's civil status data in the Central Register as set out in the Schedule.

(3) A vital event or a record of a person's civil status may be registered at any registration centre.

(4) If a person, other than the Registrar-General or an authorised Registrar, enters a vital event or records a person's civil status data in the Central Registrar, the purported registration is of no legal effect.

11 Occurrence of a registration

A vital event and civil status data on the vital event are taken to be registered from when the vital event and the civil status data are entered in the Central Register.

12 Proof of a registration document

(1) After the registration of a vital event, the Registrar-General must give to the person who notified the vital event, a registration document of the vital event that is verified and signed by that person and the Registrar-General.

(2) The registration document must be in the approved form.

13 Certificate of registration of a vital event

After the registration of a vital event, the Registrar-General must issue a certificate of registration of the vital event.

14 Evidence of a vital event in the Central Register

An entry in the Central Register is evidence of a vital event if:

(a) the vital event is notified in accordance with this Regulation; and

(b) the person who notified the vital event has authority to do so under this Regulation; and

(c) the entry is made by the Registrar-General in accordance with this Regulation.

PART 3 NOTIFICATION AND REGISTRATION OF BIRTH

15 Notification of a birth

(1) The birth of a child must be notified within 21 days after the birth occurs.

(2) Subject to subsection (1), the notification of the birth must be made in the approved form and be accompanied by:

(a) evidence of the birth issued by a health care institution, midwife or registered medical practitioner, if available; and

(b) if applicable, the free form of birth issued by the captain of a ship or an aircraft; and

(c) identification documents of the informant who notified the birth; and

(d) any other documents required by the approved form.

(3) The following persons may notify the birth of a child:

(a) the father or mother of the child, or both the father and the mother;

(b) the legal guardian of the child;

(c) if the child is born in a hospital, or brought to a hospital within 24 hours after birth - the person in charge of the hospital;

(d) a registered medical practitioner, midwife, nurse or other person present at the birth;

(e) the person at whose house the birth took place;

(f) the village chief, a local leader or clergyman;

(g) a member of the family;

(h) any person having knowledge of the birth.

16 Registration of a birth

The Registrar-General must make an entry of the birth in the register of births by entering data about the child and parents of the child in accordance with Part A of Schedule.

17 Presence of parents or other informant for registration

(1) Both parents of a child, or the mother or the father, with the written consent of the mother, or another informant must be available in person for the registration of the child's birth.

(2) If the consent of the mother cannot be obtained by the father due to court action, the person (if any) who has been granted judicial custody of the child may be present for registration instead of the father of the child.

18 Unregistered parents or other informants

If either or both of the parents of a child or the person notifying the child's birth are not registered in the Central Register, the registration of the parent or parents or the informant must be made before registering the birth of the child.

19 Data to be registered for child's parents

(1) The following data about a child's parents must be entered in the register of births:

(a) a woman must be recorded as the child's mother pursuant to the birth notification or birth record; and

(b) a man whose details may be provided by the mother of the child must be recorded as the father.

(2) This clause does not apply to a child referred to in clause 25.

20 National Identification Number and citizenship

The following must be recorded in the birth record of a child:

(a) the National Identification Number of the child;

(b) if the child is a citizen of Vanuatu, the child's citizenship.

21 Place of birth

(1) The actual place of birth of a child must be recorded as the place of birth of the child.

(2) The place where a child referred to in clause 25 is found must be recorded as the child's place of birth.

22 Unknown date of birth

If:

(a) the date of the birth of a child is not known; and

(b) a registered medical practitioner certifies, in writing, that in his or her opinion, the birth took place on or about a date specified in the certificate,

the Registrar-General must enter that date in the register of births as the date of the birth of the child.

23 Use of surname

A person must use his or her father's or mother's surname as his or her surname, but cannot use his or her father's or mother's first name as his or her surname.

24 Birth certificate

After registration of a birth, a birth certificate must be provided to both parents of the child or one of them, or the informant who notified the birth.

25 Child without known parent or guardian

(1) This clause applies to a child without a known parent or guardian.

(2) The birth of the child must be registered on the basis of:

(a) a statement by the relevant government agency responsible for children's affairs; or

(b) a report setting out the circumstances, place and time of finding of the child by the head of that agency; or

(c) a police report or a court order.

(3) The details of the National Identity Card of the custodian (if any) of the child including telephone number and permanent address must also be provided.

(4) If a child is found abandoned, the person who finds the child or any person in whose charge the child is placed must give to the Registrar-General details about the place, time and circumstances of the child being found to the best of his or her knowledge.

(5) When the Registrar-General registers the birth of the child, the name and surname of the child must be registered in accordance with the instructions from the government agency responsible for children's affairs.

26 Birth on ships and aircrafts

(1) If a child is born on a ship or aircraft and the mother or father of the child, or both, are citizens of Vanuatu, the captain of the ship or the aircraft must prepare a free-form document and give it to the Department.

(2) The captain of the ship or aircraft must also provide the following information to the Department:

(a) the time and date of birth ;

(b) the sex of the child;

(c) the mother's name, surname, national identification number or date of birth; and

(d) the same information under paragraph (c), (if available) about the spouse of the child's mother.

(3) The free-form document must include the date on which it was prepared and the name of the captain of the ship or aircraft, and be signed by him or her.

27 Foetal death

(1) A foetal death must be recorded on the basis of a medical certificate of perinatal death and a record that a child is born dead must be entered in the foetal death register.

(2) A National Identification Number must not be given to the child and no legal identity is to be established.

28 Death of a child before birth registration

If a child dies before the child's birth registration, both the birth and death of the child must be registered.

PART 4 NOTIFICATION AND REGISTRATION OF DEATH

29 Notification of death

(1) A death must be notified no later than 21 days after the body is disposed of.

(2) The death of a person must be notified before the deceased person's body is removed from Vanuatu.

(3) A death must be notified in the approved form and be accompanied by one of the following documents:

(a) a medical certificate of death issued by a registered medical practitioner who was attending to the deceased prior to death or was in attendance when the death occurred;

(b) a police report in respect of the death or a coroner's report on the cause of death;

(c) a verbal autopsy report issued by another medical professional if a registered medical practitioner is not available;

(d) a court order on the basis of the judicial presumption of death;

(e) if applicable, the free form of death issued by the captain of a ship or an aircraft;

(f) any other document required by the approved form.

(4) The following persons may notify a death:

(a) a member of the family of the deceased who is present at the time of death or who attended the deceased shortly beforehand;

(b) any other member of the deceased's family;

(c) the owner or occupant of the building in which the death occurred;

(d) any medical officer or health worker;

(e) a village chief, local leader or clergyman who has knowledge of the death.

30 Registration of death

(1) The Registrar-General must make an entry of a death in the register of deaths by entering data about the death in accordance with Part B of Schedule.

(2) The record of the death may contain the cause of death if that is known.

(3) If a medical certificate provides the cause of death, the Registrar-General must enter in the register of deaths:

(a) the cause of death; and

(b) the name and address of the registered medical practitioner or other health practitioner who issued the medical certificate of death.

(4) The Registrar-General must enter in the register of death, the details of a coroner's report, if applicable.

31 Death of person who is not registered

(1) If the birth registration of a deceased person is not registered in the Central Register, the birth registration of the deceased person must be made before registering the death.

(2) The birth certificate of the deceased person in such a situation must not be issued.

32 Date of death in certain circumstances

(1) In the case of the registration of the death of a person who is found dead, the details required to register the death must be provided by a medical certificate of death or the police.

(2) If that information is not known by the police or a medical certificate of death is not available, the Registrar-General must enter in the register of deaths 'Person found dead. Details unknown'.

(3) In the case of the registration of a death pursuant to a court order for example presumption of death after a certain period of time, if the date of death is not specified in the order, the date of the order must be recorded as the date of death.

(4) In the case of the registration of a death pursuant to a medical certificate of death, if the date of death is not specified in the certificate, the date of the certificate must be recorded as the date of death.

33 Presumption of death of a spouse

In the case of a presumption of death by an order of a court, if one of the spouses is declared dead, not only must the death be recorded in the register of death but

also the register of marriage updated to reflect the cessation of the marriage by the presumed death of the spouse.

34 Death outside Vanuatu

(1) The Registrar-General must register the death of a person if the person:

(a) dies outside Vanuatu; and

(b) is:

(i) a citizen of Vanuatu; or

(ii) a resident of Vanuatu, but not a citizen of Vanuatu; and

(c) is registered in the Central Register.

(2) The registration details of the death must be taken from a medical certificate of death and the death certificate issued by the country or state where the death occurred.

(3) If the person is not registered in the Central Register, the Registrar-General must first register the person before registering the person's death.

(4) If:

(a) a person who is a citizen of Vanuatu dies outside Vanuatu and;

(b) the person's remains are repatriated to Vanuatu; and

(c) a medical certificate of death is not available,

the Registrar-General must request a medical certificate of death in order to register the death.

(5) The Registrar-General must not register such a death without the medical certificate of death.

35 Notice of unregistered death

If, after the expiration of 30 days from the date of the death of a person in Vanuatu, the death has not been registered, the Department must serve a notice on any informant requiring him or her to give to the Registrar-General, to the best of his or her knowledge and belief, the required particulars relating to the death.

36 Necessary police consent or clearance

(1) The Registrar-General must not register the death of an identified person or the unidentified body of a person who is found dead without the necessary consent or clearance from the police or a village chief.

(2) The Registrar-General must record the circumstances of the death in the register of deaths.

37 Attendance of a medical practitioner

On the death following an illness of a person who is attended during his or her illness by a registered medical practitioner, the practitioner must sign and give to an informant a certificate stating to the best of his or her knowledge and belief the cause of the death.

PART 5 NOTIFICATION AND REGISTRATION OF MARRIAGE

38 Notification of marriage

(1) After the celebration of a marriage under the Marriage Act [CAP 60], either party to the marriage is to notify the marriage in the approved form which is to be accompanied by a certified copy of:

(a) the Notice of Intended Marriage or Notice of Intended Marriage (Calling of Banns); and

(b) the Notice of Marriage.

(2) A marriage must be notified for registration within 60 days after the celebration of the marriage.

39 Party to a marriage not registered

If either of the parties to a marriage is not registered in the Central Register, he or she must first be registered in the Central Register before the marriage is registered.

40 Registration of marriage

(1) The Registrar-General must make an entry of a marriage in the register of marriages by entering data about the marriage in accordance with Part C of Schedule.

(2) The marriage of a citizen of Vanuatu celebrated outside Vanuatu is to be registered in the register of marriages.

PART 6 – NOTIFICATION AND REGISTRATION OF DIVORCES AND NULLITIES OF MARRAIGE

41 Notification

(1) A divorce or nullity of marriage must be notified in the approved form and be accompanied by the relevant order of the court.

(2) The following persons may notify a divorce or nullity of marriage:

(a) either party to the divorce or nullity, or both parties;

(b) the court that made the order for the divorce or decree of nullity;

(c) a legal representative of either party to the divorce or nullity.

(3) A divorce or nullity must be notified for registration within 21 days after the court order for it takes effect.

42 Registration of divorce or nullity

(1) A divorce or nullity of marriage must be registered by making a divorce or nullity record in the register of divorces and nullity in accordance with Part D of Schedule.

(2) Upon registration of a divorce or nullity of marriage, the surname of a former spouse must be recorded as specified in the court order and the divorce or nullity record must contain the court order number and date.

(3) If either or both of the parties who divorced or whose marriage is annulled are not registered in the Central Register, he or she, or both, must be registered in the Central Register before the divorce or nullity is registered.

PART 7 – NOTIFICATION AND REGISTRATION OF ADOPTION

43 Notification of an adoption

(1) An adoption order must be notified for registration within 21 days after it takes effect.

(2) The following persons may notify an adoption

(a) either or both of the adoptive parents;

(b) an officer of the agency responsible for children's affairs;

(c) the court that made the adoption order;

(d) a legal representative of the adoptive parents.

(3) An adoption must be notified in the approved form and be accompanied by the following:

(a) a certified copy of the adoption order made by a court, whether made before, on or after the commencement of this Regulation;

(b) the birth certificate of the adoptee;

(c) a letter of approval from the government agency responsible for children's affairs;

(d) an identification document for each of the adoptive parents;

(e) an identification document of the biological parents, if available;

(f) the death certificate of deceased biological parents, where applicable;

(g) any other documents required by the approved form.

(4) A custom adoption must be notified in accordance with the written directions of the Registrar-General.

44 Registration of adoption

An adoption must be registered by making an adoption record in the register of adoptions in accordance with Part E of Schedule.

45 Verification with the court

The Registrar-General may verify the adoption order with the court before registering the adoption.

46 No birth certificate for an adopted child or not registered

If the adopted child does not have a birth certificate or the birth certificate is not entered in the register of births, the birth of the child must be registered in the register of births before the adoption of the child is registered.

47 No registered data about adoptive parents

If there is no data about the adoptive parents or about their civil status in the Central Register, the data that is available about the adoptive parents must be registered before registering the adoption.

48 Change of name in court order

(1) If there is a provision in the court order for the adoption for the change of name of the adopted child, the Registrar-General must register the adoption in the new name of the child.

(2) If there is no provision in the court order for the change of the name of the adopted child and the adoptive parents desire a change of name of the adopted child, they must notify the Registrar-General and provide him or her with a deed poll.

49 Foreign adoptions

(1) A document purporting to be a copy certified by an adoption authority outside Vanuatu as a true copy of an entry in a foreign register of adoptions is evidence of the fact that the adoption to which the document relates is a foreign adoption and has been effected by a valid adoption order made on the date specified in the document.

(2) If the child's parents submit to the Registrar-General a document referred to in subclause (1), the child's civil status must be registered on the basis of the document, and the personal identity documents submitted by the parents if they are not registered in the Central Register.

50 Child's country of birth

The country of birth of an adopted child must be entered in the register of adoptions if the Registrar-General is satisfied with the identity document of the child.

51 Amendment or revocation of adoption order

(1) If an adoption order is amended by a court, the entry in the register of adoptions relating to the adoption must be amended accordingly.

(2) If an adoption order is revoked by a court, the entry in the register of adoptions must be cancelled.

PART 8 - REGISTRATION OF ACKNOWLEDGEMENT OF PATERNITY OR MATERNITY, AFFILIATION OR CONTESTING PATERNITY OR MATERNITY

52 Registration of acknowledgement of paternity or maternity, affiliation or contesting paternity or maternity

(1) The Registrar-General must register:

(a) an acknowledgement of paternity based on a declaration by the mother or based on an order of a court in respect of paternity; and

(b) an acknowledgement or affiliation of parentage, or contested parentage, on the basis of a statement made by the parents or one of them or a court order.

(2) Upon the registration of acknowledgement or affiliation of paternity or maternity, the birth record and civil status of the child concerned and the parent to whom the data relates must be amended or supplemented in the appropriate registers.

(3) Upon registration of acknowledgement of paternity, the birth record must retain the child's surname, unless stated otherwise in the declaration of acknowledgement of paternity or in an order of a court in respect of paternity.

53 Contested parentage

(1) When registering contested parentage, an entry amending or supplementing a record of civil status must be made, including archiving of the data on the father or mother from the birth record.

(2) When registering a contested parentage, the child's recorded surname must be retained unless stated otherwise in the court decision on contested parentage.

54 Registration details

An acknowledgement or affiliation of parentage, or contested parentage must be registered by making a record in the register of parentage or contested parentage in accordance with Part F of Schedule.

PART 9 - REGISTRATION OF THE CHANGE OF A NAME OR SURNAME, OR BOTH

55 Change of name or surname or both

(1) Subject to section 24(1) of the Act, a person whose data is entered in the Central Register has the right to change his or her name or surname, or both.

(2) The name of a person below the age of 18 years can be changed only with the consent of a parent or legal guardian.

(3) The change of name must be recorded as a record to change or supplement a name in the Central Register.

PART 10 ENQUIRIES BY THE REGISTRAR-GENERAL

56 Enquiries

The Registrar-General may conduct such enquiries as he or she considers necessary to ascertain whether a birth, a death, a marriage or any other vital event has:

(a) been registered; and

(b) if it has been registered, whether the particulars in the entry in the register are correct or complete.

57 Notice requiring a person to provide information

(1) The Registrar-General may, by notice in writing, serve a person to provide information relevant to an inquiry required under clause 56.

(2) The information must be provided within such time, not being less than 30 days, from the date of the giving of the notice referred to under subclause (1) and in such manner as may be specified in the notice.

58 Incorrect or incomplete registration

(1) This clause applies if the Registrar-General is satisfied that a vital event has occurred and that:

(a) it has not been registered in the appropriate register; or

(b) if so registered, the particulars in the entry in the register are incorrect or incomplete.

(2) The Registrar-General must register the vital event in the appropriate register, or correct or complete the particulars in the entry in the register.

PART 11 CHANGING, CORRECTION, SUPPLEMENTING AND CANCELLATION OF THE CENTRAL REGISTER DATA

59 Changing, correction or cancellation of a person's civil status

(1) The Registrar -General may change, correct, supplement or cancel the record of a person's civil status:

(a) upon application in the approved form by a person; or

(b) upon application in the approved form by an informant of a person; or

(c) upon its own initiative.

(2) The Registrar-General may notify a person of an error in the record of the person's civil status and request that person to confirm the correction before the Registrar-General makes the required change, correction, supplement or cancellation.

(3) The record of a person's civil status must be changed, corrected, supplemented or cancelled if there is no dispute concerning the change, correction, supplement or cancellation.

(4) If there is a dispute, the issue of changing, correcting, supplementing or cancelling the record of a person's civil status must be determined by a court, unless an appeal under Part 12 is made.

60 New or changed data

The record of a person's civil status must be changed, corrected, supplemented or cancelled if new or changed data about the person, the person's parents or a spouse of the person becomes available, and the Registrar-General is satisfied that there is a document referred to in clause 61 proving the new or changed data.

61 Documents verifying changes etc.

A person who is applying to change, correct, supplement or cancel a record of his or her civil status must attach to his or her application supporting documents from the relevant government agency or a village chief or a church leader verifying the circumstances which caused the change, correction, supplement or cancellation to the record of the civil status to be made.

62 Changes on Registrar-General's initiative

(1) The Registrar-General, on his or her own initiative, must change, correct, supplement or cancel the record of a person's civil status with reference to a court decision, a declaration of acknowledgement of paternity, a birth notification or medical certificate of death.

(2) The Registrar-General must correct spelling errors or other editorial mistakes on its own initiative.

63 Entry to be made in record of civil status

The record of the civil status of a person must be changed, corrected, supplemented or cancelled by making the entry in the record of civil status.

64 Date of birth

(1) If the date of birth of a person is supplemented in the birth record and only the year of birth is known, the date of birth must be recorded as the date of notification.

(2) If only the birth year and month are known, the date of birth must be recorded as the date of notification.

65 Name of a place

If the record of a person's civil status is supplemented by adding the name of a place or changing it, the name of the place must be specified prescribed by law.

66 Amendment of a person's civil status

The record of a person's civil status must be amended if:

(a) the record of the civil status has spelling errors or mistakes; or

(b) the document provided as the basis for registration of the civil status has an error and the error in that document has been corrected; or

(c) in any other instance where an error has been made at entry in the Central Register by the Registrar- General.

67 Cancellation

The record of a person's civil status must be cancelled if:

(a) a duplicate record was made for the same person, and the latest information in the Central Register has been chosen without providing any supporting document; or

(b) a court order which formed the basis of the registration of the civil status is rescinded; or

(c) a birth notification or medical certificate of death on the basis of which a birth or death was registered is cancelled; or

(d) the Registrar-General is satisfied that the information for registration was false or misleading; or

(e) it is necessary to do so in order to give effect to a decision of an appeals committee.

68 Provision of correct data

After correcting any inaccurate data in the Central Register, the Department must provide the corrected data to data recipients in accordance with the data provision agreements.

69 Data rights

(1) A person whose data is recorded in the Central Register and who has proved his or her personal identity has the right:

(a) to inspect his or her own data administered in the Central Register, data of his or her child, and in the case of a guardian, adoptive parent or caretaker, the relevant document proving such; and

(b) to apply in writing to the Department for the correction of incorrect, inaccurate, modified or incomplete data recorded in the Central Register, in relation to his or her own data, the data of his or her child, as well as of persons who are in his or her care or custody, and to suspend the processing of such personal data.

(2) The relevant documents supporting the application must be attached to it.

70 Correction of date or rearrangement of a name

An application for correction or rectification of a date and or rearrangement of a name or surname must be supported by two of the following:

(a) a government issued photo-based identity document with the correct name or surname or order of names, including a passport, a National Identity Card, a national identity document for foreign nationals or a driver's licence;

(b) a birth certificate of the applicant;

(c) a deed poll;

(d) any other relevant document accepted by the Department.

PART 12 APPEAL

71 Appeal relating to registration of vital events

(1) A person may appeal the decision on the registration of a vital event made by the Registrar-General within 30 days after the date of the decision.

(2) The appeal must be in writing to the Registrar-General.

72 Appeal Committee

(1) The Appeal Committee must determine an appeal against a decision on the registration of a vital event within 30 days after receiving the appeal from the Registrar-General.

(2) The Committee consists of 3 senior officers of the Department appointed by the Registrar-General.

73 Appeal on the merits

(1) An appeal is an appeal on the merits.

(2) The Committee must, after examining the grounds of the appeal, make one of the following decisions:

(a) uphold the decision taken by the Registrar-General;

(b) annul (in whole or in part) the decision of the Registrar-General and adopt a new decision;

(c) change the decision of the Registrar-General.

(3) The Committee must give the appellant written notice of its decision within 5 days after making its decision.

74 Legal review

A person aggrieved by a decision of the Committee may apply to the Magistrates Court for a legal review of the Committee's decision within 30 days after the date the Committee made its decision.

PART 13 ISSUANCE OF CERTIFICATES AND OTHER DOCUMENTS PREPARED ON THE BASIS OF THE CENTRAL REGISTER

75 Certificates of a person's civil status

(1) A person may apply to the Registrar-General for a certificate of the person's civil status.

(2) An application must be in the approved form and a person may authorise another person to apply on his or her behalf.

(3) The Registrar-General upon accepting an application, must issue a certificate attesting to the record of the applicant's civil status.

(4) A certificate must be issued with reference to the data of the applicant's civil status recorded in the Central Register.

(5) A certificate, except for the certificate certifying the record of birth and the certificate certifying the record of death, must be issued to the person in respect of whom a record of civil status was made or an authorised representative of that person.

76 Birth Certificate

(1) A certificate certifying the record of birth of a person must be issued to the person if he or she is over 18 years of age, or in any other case to a parent of the child or another informant on behalf of the child.

(2) A certificate certifying the record of birth of a person under a guardianship must be issued to the person's authorised representative.

77 Death certificate

A certificate certifying the record of the death of a deceased person may be issued to the spouse of the deceased person, a close relative of the deceased person or the deceased person's legal representative.

78 Form of certificates and other documents

(1) A certificate must be in the approved form and be signed by the Registrar-General.

(2) The Department may issue other documents to persons on the basis of the data recorded in the Central Register.

PART 14 PROVISION OF DATA FROM THE CENTRAL REGISTER

79 Application for provision of data by certain data recipients

(1) With the provision of data recorded in the Central Register by the Department, a potential data recipient must apply to the Department in writing, indicating the following:

(a) the purpose of receiving the data;

(b) the intended data;

(c) the data reception method;

(d) the legal basis for receiving the data.

(2) A potential data recipient does not include an individual.

(3) Copies of documents proving the lawful basis for receiving the data must accompany the written application.

(4) The Registrar-General must determine the application for data provision within 14 days after receiving the application.

80 Data Provision Agreement

(1) If the Registrar-General approves an application under clause 79, a data provision agreement must be entered into between the Department and the data recipient.

(2) A data recipient that receives data from the Central Register in accordance with the data provision agreement must use the data only for the purpose specified in the data provision agreement.

(3) The Department is responsible for the security and accuracy of personal data provided up until when the data is shared with the data recipient.

(4) A data recipient may provide data to other persons only in accordance with the relevant data provision agreement.

81 Transmission of data

Data recorded in the Central Register can be provided or transmitted through any medium in a secured or encrypted format to a data recipient.

82 Inaccuracies in data

(1) If a data recipient becomes aware of inaccuracies in the personal data provided to it, the data recipient must immediately inform the Department of the inaccuracies.

(2) A data recipient has the right to request in writing the correction of erroneous or inaccurate data provided to it.

(3) In making such a request, the recipient of the data must, if possible, also provide documents or copies of the documents confirming the accuracy of the data.

83 Data to be used for research

If a data recipient wants to receive aggregated, structured or statistical data from the Central Register to perform research, the prepared data may be provided under the data provision agreement on payment of a fee determined by the Registrar-General.

PART 15 SECURITY OF THE CENTRAL REGISTER DATA

84 Security of data

The Ministry of Internal Affairs and the Department are responsible for the security of data recorded in the Central Register in accordance with the special measures under section 33 of the Act.

85 Measures to protect data

(1) The Department must implement appropriate technical, organizational and other measures to ensure protection against accidental or unlawful destruction, alteration, damage, disclosure, misappropriation, publication, provision or other unauthorised use of data recorded in the Central Register, as well as any other illegal processing of such data.

(2) The Department must implement legal, administrative, organizational, technical and other measures to ensure that in the course of maintaining the Central Register no incorrect, inaccurate or incomplete data will be recorded and the recorded data must comply with the data presented in the registration documents.

86 Personal data

(1) A person processing data in the Central Register must protect the confidentiality of personal data.

(2) The obligation to protect the confidentiality of personal data, if such personal data is not intended for the public, continues even after the termination of the person's services in relation to data processing.

PART 16 MISCELLANEOUS

87 Offences

(1) A person who knowingly and without lawful excuse registers or attempts to register or procures the registration of a vital event which had been previously registered is liable on conviction to a fine not exceeding VT100,000.

(2) Any person who, without reasonable cause, fails or refuses to comply with a direction given to him or her under this Regulation commits an offence and is liable on conviction to a fine not exceeding VT100,000.

88 On the Spot Fines

For the purposes of subsection 44(6) of the Act, the prescribed penalties are as follow:

(a) section 40 of the Act - 100,000 VT;

(b) section 41 of the Act - 200,000 VT;

(c) section 42 of the Act - 200,000 VT;

(d) clause 87 of this Regulation - 20,000 VT;

89 Registrars

(1) The Registrar-General may appoint officers of the Department as Registrars.

(2) A Registrar is responsible for the registration of vital events.

(3) A Registrar may delegate to an officer of the Department, by written instrument, any of his or her powers or functions (other than this power of delegation) under this Regulation.

90 Commencement

This Regulation commences on the day on which it is made.

Made at Port Vila this 15 **day of** June **2022.**

REPUBLIC OF VANUATU DEPUTY PRIME MINISTER MINISTER OF INTERNAL AFFAIRS MINISTRE DES AFFAIRES INTERIEURES REPUBLIQUE DE VANUATU

Honourable MAA'U KORO MOLI TAMBE URE'VIRA TAMBE LAVISE-VAHE ALATOI ISHMAEL KALSAKAU
Deputy Prime Minister and Minister of Internal Affairs

SCHEDULE

DATA TO BE ENTERED IN THE CENTRAL REGISTER

The data set out in this Schedule must be entered in the relevant registers in the Central Register in accordance with this Regulation.

PART A REGISTER OF BIRTHS

Section 3.4 (clause 78?)

Data on a child:

National identification number
Name(s) [Further consideration required]
Surname
Sex
Date of birth
Place of birth
Time of birth
Birth weight
Country of birth
Locality and island of birth
Place of Residence
Citizenship
Live birth/stillbirth
Which child was born to the mother (birth order)
Twins/triplets
Special Needs
Home Island
Contact of Parents
Details of Declarant/Informant (NIN NUMBER)
Document confirming the birth of a child

Data on a mother:

National identification number
Name(s)
Surname
Maiden name
Date of birth
Place of birth
Marital status
Citizenship
Personal identity document (National Identity Document, passport, etc.)
Home Island
Parents of mother

Data on a father:

National identification number
Name(s)
Surname
Date of birth
Place of birth
Marital status
Citizenship
Home Island
Parents of Mother
Personal identity document (National Identity Document, passport, etc.)
Name(s), surname, national identification number of representative of the Institution responsible for children's affairs
Name(s), surname and national identification number of informant
Date, Time and Place of notification
Date, Time and Place of registration.
Name(s) and surname of Registrar.

PART B REGISTER OF DEATHS

Section 4.4 (Clause 30?)

Data on deceased person
National identification number
Name(s),
Surname(s)
Sex
Date of birth
Place of birth
Citizenship
National identification number of father
National identification number of mother
Place of residence of the deceased
Marital status deceased
Name/surname spouse (if married)
National identity number of spouse
Date of death
Place of death
Time of death
Country of death
Cause of death
Name and age of the surviving child/children [Further consideration required]
Place of Declaration
Burial Site [Further consideration required]
Document confirming the fact of death

Name(s), surname and national identification number of informant
Date, Time and Place of notification
Date, Time and Place of registration.
Name(s) and surname of Registrar.

PART C REGISTER OF MARRIAGIES

Section 5.4 (Clause 40?)

Data on parties to marriage:
National identification number
Name(s),
Surname(s) before marriage
Surname(s) after marriage
Date of birth
Place of birth
Time of Marriage
Place and time of Registration
Details of informant (NIN NUMBER)
Citizenship
National identification number of father
National identification number of mother
Marital status
Which marriage
Date of marriage
Place of marriage
Country of marriage
Data on witnesses:
National identification number
Name(s),
Surname
Name(s), surname and national identification number of informant
Date, Time and Place of notification
Date, Time and Place of registration.
Name(s) and surname of Registrar.

PART D REGISTER OF DIVORCES AND NULLITIES OF MARRIAGE

Section 6.4 (Clause 42?)

Data on parties:
National identity number

Name(s)
Surname(s) before divorce/ nullity
Surname(s) after divorce/ nullity
Date of birth
Place of birth
Citizenship
National identity number of father.
National identity number of mother.
Date of marriage
Place of marriage
Court name and place.
Date of court order.
Number of the court order.
Divorce/nullity
Country of divorce / nullity
Name(s), surname and national identification number of informant
Date, Time and Place of notification
Date, Time and Place of registration.
Name(s) and surname of Registrar.

PART E REGISTER OF ADOPTIONS

Section 7.4(Clause 44?)

Data on adopted child:
National identification number
Name(s)
Surname
Name(s) after adoption (if changed)
Surname(s) after adoption (if changed)
Sex
Date of birth
Place of birth
Country of birth
Citizenship

Data on adopter(s):
National identification number
Name(s)
Surname
Sex
Date of birth
Place of birth
Citizenship
Court name and place.
Date of court order.

Number of the court order.
Country of adoption.
Name(s), surname, national identification number of informant
Date, Time and Place of *notification*
Date, Time and Place of registration.
Name(s) and surname of Registrar.

PART F REGISTER OF ACKNOWLEDGEMENT OF PATERNITY OR MATERNITY, AFFILIATION OR CONTESTING PATERNITY OR MATERNITY

Section 8.3 (Is it clause 54?)

Data on father and/or mother
National identity number
Name(s)
Surname(s)
Sex
Date of birth
Place of birth
Citizenship
Place of residence
Court name and place
Date of court order
Number of the court order
Name(s), surname and national identification number of informant
Date, Time and Place of notification
Date, Time and Place of registration
Name(s) and surname of Registrar