

IN THE SUPREME COURT OF THE REPUBLIC OF VANUATU

(CIVIL)

ADOPTION CASE NO. 2191 OF 2019

BETWEEN:

IN THE MATTER of the  
Adoption of PB under the  
Adoption Act 1958

K L T

Applicant

Date of Hearing: 1<sup>st</sup> October, 2019  
Delivered: 1<sup>st</sup> October, 2019  
Before: The Deputy Master Aurelie Tamseul  
In Attendance: KLT (Applicant), PB (Infant), P T (Applicant's father) EB  
(Biological mother)

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JUDGMENT

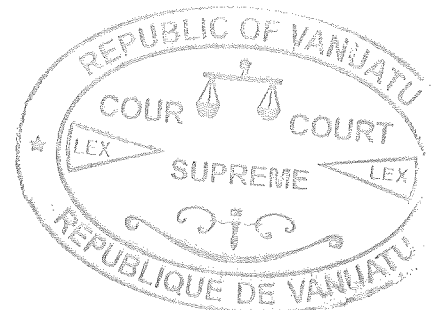
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**Headnote**

Registration of birth of an illegitimate child- Sections 10 & 19 of the Civil Status (Registration) Act, Cap. 161- father unknown - Refusal of Registering Officer to register birth.

a. **Introduction**

This matter came up today for hearing of the Application filed on the 21<sup>st</sup> August, 2019 for the Adoption of PB. The Applicant informed the Court that they are unable to provide the infant's Birth Certificate because the Civil Status Registering officer refused to enter the infant's name in the Civil Status Registry. The Court noted from the biological mother's statement that the said refusal is based on the fact that the biological mother could not provide the Registering officer with the child's biological father's name.



## b. The Law

### ➤ **Civil Status (Registration) Act, Cap. 61**

#### **The purpose of the Act**

“To provide for the registration of the births, acknowledgements, deaths and marital status of persons.”

#### ➤ **Form and contents of entries in registers**

#### **Section 10**

(1) Entries in the registers shall be in the appropriate forms prescribed by the Schedule and shall state:

- (a) the year, the month, the day and the hour of the entry;
- (b) the surname, first names and office of the registering officer;
- (c) in respect of other persons mentioned in the entry, their surnames and first names, their date and place of birth, where known, and their occupation and place of residence.

(2) There shall also be stated, where known –

- (a) the father, mother and child, in the case of registration of birth or acknowledgement;

#### ➤ **Contents of entries of births**

#### **Section 19-**

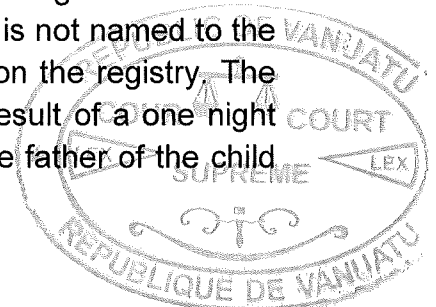
(1) The entry of a birth in a register shall state:

- (a) the date, time and place of the birth, the sex of the child, any Christian first names and the individual Melanesian name to be given the child; and
- (b) the name, age, occupation, place of residence, date and place of birth, the parentage of the father and mother and the relationship of the declarant.

**(2) In the case of an illegitimate child, if both or either of the parents is not named to the registering officer, no reference to such parent shall be noted on the register.**

## c. Discussion

To understand the importance of section 10 (2) and section 19 (2) of the Civil Status (Registration) Act, Cap 61 (the Act), one needs to look at the purpose of the Act. This Act had been enacted for the purpose of the Registration of the births, acknowledgements, deaths and marital status of persons. The requirement to provide the names of the parents of the child are secondary to the registration of birth and could only be given to the Registering Officer where known. The Act is very clear on the contents of entries of birth where the infant is an illegitimate child. It went as far as to provide that where both or either of the parents is not named to the registering officer, no reference to such parents shall be noted on the registry. The biological mother's submission is that the child was born as a result of a one night stand in Australia with a white Australian. She does not know the father of the child



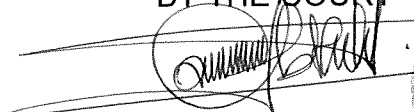
and is unable to identify him. The Civil Status Registering officer is being unreasonable in requesting information that the biological mother is unable to provide and the Officer is therefore acting contrary to the legislation. Further, this request only encourages provision of inaccurate information as to the identity of the parents of the child.

If this is the current practice of the Registry as it relates to registration of births it must be stopped immediately.

**d. Result**

My Order is as follows:

- The Civil Status Registry to Register the name of the infant PB pursuant to section 19 (2) of the Civil Status (Registration) Act before the 23<sup>rd</sup> October, 2019.

BY THE COURT  
  
DEPUTY MASTER

