

Chapter 414.
War Deaths Registration Act 1952.

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.



Chapter 414.

War Deaths Registration Act 1952.

ARRANGEMENT OF SECTIONS.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

War Deaths Registration Act 1952,

Being an Act to enable registration of certain deaths.

1. INTERPRETATION.

In this Act, unless the contrary intention appears—

“Certificate of Death” means a Certificate of Death issued under this Act;

“Registrar” means, in the case of deaths which occurred in the former Territory of Papua, the Registrar-General appointed under the *Registration of Births, Deaths and Marriages Act 1912-1958* of that Territory, and in the case of deaths which occurred in the former Territory of New Guinea, the Registrar-General appointed under the *Registration of Births, Deaths and Marriages Act 1935-1958* of that Territory;

“the enemy” means any enemy with whom His Majesty was at war on or after 3 September 1939, up to 8 September 1951;

“the war” means the war which commenced 3 September 1939 and includes any other war in which His Majesty became engaged after that date, up to 8 September 1951.

2. CERTIFICATES OF DEATH OF CIVILIANS CAPTURED IN THE COUNTRY.

(1) Where the Registrar is satisfied, from information available to him, that any person was in any portion of the country at a time when that portion was occupied by the enemy, and that person—

- (a) died on a particular date; or
- (b) died on or after a particular date; or

- (c) became missing on a particular date and is for official purposes presumed to be dead; or
- (d) died on or before a particular date,

while in the hands of the enemy or in other circumstances arising out of the war which render difficult the proof of his death, he may issue a certificate that that person, being a person to whom this section applies—

- (e) died on that date; or
- (f) died on or after that date; or
- (g) became missing on that date and is for official purposes presumed to be dead; or
- (h) died on or before that date,

as the case may be.

(2) Where after the issue of a Certificate of Death under this section it is found that the Certificate is incorrect in some particular, the Registrar may, in accordance with this section, issue a corrected certificate under this section, notwithstanding that the Certificate previously issued has not been cancelled.

(3) The issue of any further certificate made under Subsection (2) shall not in any way affect the rights of any person acting without knowledge of the issue of that certificate in reliance on the Certificate of Death previously issued.

3. EFFECTS OF CERTIFICATES.

(1) A Certificate of Death issued under this Act shall in all courts and before all persons acting judicially be *prima facie* evidence of the death of the person named in the Certificate on the date specified in the Certificate as the date on which, or on or after which, or on or before which, he died or on which he became missing, as the case may be.

(2) Any person who, acting in good faith on the presumption of the death of any person in respect of whom a Certificate of Death has been issued, and while that Certificate is uncanceled, pays any money or transfers any property to a person who is entitled to receive the money or property on the assumption that the person named in the Certificate died on the date specified in the Certificate as the date on which, or on or after which, or on or before which the person named in the Certificate died, or on which he became missing, obtains discharge in respect of that money or property and in the event of the person named in the certificate being in fact alive after the date so specified, is not subject to any liability, civil or criminal in connection with that money or property, to which he would not have been subject had the person named in the Certificate died on the date so specified.

4. SECURITY NOT REQUIRED IN CONNECTION WITH PROBATE OR ADMINISTRATION.

Where probate of the will, or administration of the estate, of a person in respect of whom a Certificate of Death has been issued and is uncanceled at the time of the grant, is granted or proposed to be granted, a bond or surety or other security shall not be required of any person for the restoration, repayment or replacement on any condition or event of moneys or other property forming part of the estate which would not be required if the death of the person in respect of whom the Certificate of Death was issued had been conclusively proved.

5. CANCELLATION OF CERTIFICATE.

(1) Where—

- (a) a Certificate of Death has been wrongly issued; or
- (b) a Certificate of Death ceases to be in accord with the information available to the Registrar; or
- (c) after the issue of the Certificate of Death it is found that the Certificate is incorrect in some particular,

the Registrar may, by written notice served personally or by post at the last known place of abode of the person to be served, require any person having possession of the Certificate to forward it to him and that person shall immediately comply with the requirements.

(2) The Registrar may, on obtaining possession of a Certificate of Death, cancel or correct the Certificate, as the case may be.

(3) A person with knowledge that the Registrar has demanded, or wishes to secure, the delivery up of a Certificate of Death, must not present the Certificate to any other person or otherwise make use of, or act in reliance on, the Certificate.

Penalty: A fine not exceeding K100.00.

6. PROOF OF LIFE AFTER ISSUE OF CERTIFICATE OF DEATH.

(1) The Registrar may issue a certificate stating that, from information available to him, there is reason to believe that the person named in a Certificate of Death is, or may be, alive.

(2) A certificate issued under this section shall, notwithstanding any law or any probate or letters of administration granted, but subject to the effect of any other certificate of death issued under the provisions of any other law after the issue of a certificate under this section, in all courts and before all persons acting judicially be *prima facie* evidence that the person named in the certificate is alive.

(3) Any person who, acting in good faith in reliance on a certificate under this section, pays any money or transfers any property to a person who is entitled to receive the money or property on the assumption that the person named in the certificate is alive, obtains a good discharge in respect of that money or property and

in the event of the person named in the certificate being in fact dead, is not subject to any liability, civil or criminal, in connection with that money or property to which he would not have been subject had the person named in the certificate been alive at the date of the payment or transfer.

(4) A certificate may be issued under this section although the Certificate of Death previously issued has not been cancelled and then the Certificate of Death shall, subject to Subsection (5), be of no force or effect.

(5) A certificate under this section shall not in any way affect the rights of any person acting, without knowledge of the issue of the certificate, in reliance on a Certificate of Death previously issued.

(6) Section 5 applies to and in relation to certificates issued under this section in the same manner as it applies to and in relation to Certificates of Death.

Office of Legislative Counsel, PNG