



PRACTICE DIRECTION 1 OF 2014:

MARRIED WOMAN REGISTERING AN ILLEGITIMATE CHILD

1. All applications made pursuant to Regulation 6 (1) of the Registrar General's Births and Deaths Regulations 1979 have been transferred from the Office of the Registrar General to the Supreme Court Registry.
2. All applications are to be made by an application letter and supported by an affidavit of the mother (and biological father if he intends to register the child) and by affidavits of independent witnesses as required by the Evidence Act -- Cap 15, Section 44 and by Practice Direction 3 of 2007.
3. The affidavit of the mother must specify when she was separated from the husband (and if separation was temporary, the specific period in question) and when and where co-habitation with biological father occur. It must also state who was aware of the co-habitation and how (this person may be the independent witness).
4. The petition must be served on the husband and a Certificate of Service is to be filed to that effect. There will be no need for service of petition on husband if the application will be supported by an affidavit of the husband denying paternity.
5. If the applicant seeks to dispense with service on the husband pursuant to Regulation 6 (2) of the Registrar General's Births and Deaths Regulations 1979, the applicant must satisfy the court as to why the petition cannot be served on the husband.
6. All applications are to be submitted together with a draft order of which a template is attached.
7. The fee is \$16.00.

NIKU'ALOFA: 15 January 2014.




M.B. Scott
CHIEF JUSTICE