

IN THE SUPREME COURT OF TONGA

PRACTICE DIRECTION No.3/2007

REGISTRAR GENERAL

Re: Application for registration of birth while mother still in wedlock.

1. A number of applications for registration of birth while mother still in wedlock are being rejected because they do not meet the following legal requirements:
 - (i) The supporting affidavit filed by a person other than the husband and wife must depose that the husband and wife **did not have access to each other at the time the child was conceived** – see section 44 of the Evidence Act (Cap.15). It is not sufficient for the deponent to say that he or she “believes the child is not the child of the husband.” The deponent must use the terminology set out in section 44 and the Registrar General will then make a Ruling as to the child’s father.
 - (ii) A married woman applying to register the birth of an illegitimate child must serve a copy of the application on her husband or make an application (setting out the grounds) to a Judge of the Supreme Court to dispense with such service – see regulation 6(2) of the Births, Deaths and Marriage’s Regulations 1988.
2. Future applications that do not comply with this Direction will be rejected.



Hon. A D Ford
CHIEF JUSTICE