

DRAFT LAW
ON
Family Registration.

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DRAFT — LAW.

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ON FAMILY REGISTRATION.

1. — This Law shall be cited as the “Law on Family Registration, year 26 ...”.
2. — It shall come into force on the day of 26 ...
3. — The Laws and usages concerning Marriage, Divorce, Parent and Child, and Inheritance remain in force in so far as they are not modified by the present Law.

TITLE I.

FAMILY REGISTRARS.

4. — There shall be Family Registrars for the registration of births, deaths, marriages, divorces, and acknowledgements and adoptions of children.
5. — All registrations relating to persons of Royal Blood holding by birth the rank of Mom Chao or upwards, or relating to persons living in the Royal Palaces, shall be made at the Ministry of the Royal Household.
6. — Any interested person shall be entitled to obtain from a Registrar a certified copy of any entry in a Family Register.

TITLE II.
REGISTRATION OF BIRTHS AND DEATHS.

CHAPTER I.

BIRTHS.

7. — Every birth occurring within the limits of the Kingdom shall be reported to the local Family Registrar within fifteen days.

8. — The birth shall be reported by the father or the head of the house where it occurred, or by some person who was present at the birth.

9. The entry in the Register of Birth shall contain the following particulars:

- 1) the personal name, family name and sex of the child and place and date of birth;
- 2) the names, occupation and race of the father and mother of the child; if the father and mother are married, a mention to that effect shall be made in the Register;
- 3) the name and description of the informant;
- 4) the relation of the informant to the child.

10. — If the informant reports the birth of a child whose father is unknown, a statement to that effect shall be made in the Register.

11. — If the father and mother of the child are not married, the name of the father shall not be entered in the Register unless he agrees to it before the Registrar, and signs the register. The natural child is thereby acknowledged by his father.

12. — The father of the natural child may at any time acknowledge such child by a declaration made to the Registrar in the presence of two witnesses. The declaration shall be entered in the Register and the entry signed by the Registrar, the father and the witnesses.

TITLE II. — REGISTRATION OF BIRTHS AND DEATHS

An acknowledgement may also be declared in a will.

13. — The entry in the Register of Acknowledgements shall contain the following particulars:

- 1) the place of the acknowledgement;
- 2) the date of the entry;
- 3) the name and residence of the father and mother, and the name, age and residence of the child.

CHAPTER II.

DEATHS.

14. — Every death occurring within the limits of the Kingdom shall be reported to the local Family Registrar within twenty — four hours.

15. — The death shall be reported by the head of the house where it occurred, or by the parents, or by the surviving husband or wife, or by the nearest relative of the deceased living in the same locality.

16. — In the event of the discovery of the corpse of a person who has no relatives or who cannot be identified, it shall be the duty of the finder, or of the Kamnan, Phuyai-ban or Police to at once report the same to the Registrar before or after an inquest has been held.

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17. — The entry in the Register of Deaths shall contain the following particulars:

- 1) the personal name, family name, sex, race, age, occupation and residence of the deceased and the date and cause of death;
- 2) a mention whether the deceased was married or unmarried; if the deceased was married, the name of the surviving husband or wife;
- 3) the name of the father and mother of the deceased;
- 4) the name and description of the informant;
- 5) the relation of the informant to the deceased.

TITLE II. — REGISTRATION OF BIRTHS AND DEATHS

18. — If a Registrar has any reason to suspect that a death reported to him was caused by violence, he shall forth with report the case to the nearest competent authority.

CHAPTER III.

GENERAL.

19. — If a birth or death takes place in any hospital, alms-house, barrack, temple, school, prison, police station or other such place, it shall be also the duty of the head of such place to report it to the Registrar.

20. — If a birth or death takes place on board a Siamese ship while at sea, it shall be the duty of the master of the ship to report it to the Registrar at the first Siamese port of call.

21. — A person whose duty it is to report a birth or death is not required to do so personally. A relative or other person may be deputed to do so. [5]

22. — Every entry shall be dated and shall be signed by the Registrar. The informant shall sign on the Register and the Registrar shall deliver to him a copy of the entry.

23. — Except for clerical errors, an entry of a birth or death may be corrected only on an order of the Court made after formal enquiry on a motion by any interested person.

24. — Whenever a birth or death is not reported or is reported after the period of time prescribed by this Law any person whose duty it was to report it shall be guilty of a petty offence punishable with fine not exceeding twelve baht.

TITLE III.
MARRIAGE.

25. — After the coming into force of this Law no marriage shall be valid unless registered by the local Family Registrar in the presence of two witnesses.

26. — Before registering a marriage the Registrar shall ascertain:

- 1) that the man has completed his seventeenth year and the woman has completed her fifteenth year;
- 2) that the man and woman are not blood relations in the direct ascending or descending line, or brother and sister;
- 3) that the man and woman appear to be of sound mind and agree to take each other as husband and wife.

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27. — The Registrar shall also ascertain that the person or persons whose consent to the marriage is required by law agree to the marriage.

28. — If a person whose consent to a marriage is required by law is not present, the Registrar shall, before proceeding with the marriage, post at the door of his office a notice or “banns” stating the names, age and residence of the man and woman.

29. — The banns shall be posted for fifteen days. If at the expiration of the period of fifteen days no objection has been lodged by a person whose consent is required by law, the Registrar shall proceed with the registration.

30. — Should any of the conditions prescribed by Sections 26 to 29 be not complied with, the Registrar shall refuse to proceed with the registration.

31. — If the Registrar refuses to proceed with the registration of a marriage, the man or woman may apply to the Court by motion.

If the Court after formal enquiry is satisfied that the conditions required by law are complied with, the Court shall give an order to that effect, whereupon the Registrar shall proceed with the registration.

Title III. — Marriage.

32. — The entry in the Register of Marriages shall contain the following particulars;

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- 1) the place and district of registration;
- 2) the date of the entry;
- 3) the personal name, family name, age and residence of each of the spouses;
- 4) the names and residence of the parents of the spouses; if a parent is dead or unknown, an entry to that effect shall be made in the Register.

33.—The entry in the Register must show that the Registrar has complied with the requirements of Sections 26 to 29.

34.—The entry in the Register shall be signed by the Registrar, the spouses and the witnesses. If any of the persons whose consent to the marriage is required by law is present, such person shall also sign in the Register.

35. — The spouses are married from the day of registration inclusive.

36. — Children born of registered wives are legitimate and have in the estate of their father the statutory rights of inheritance provided by law.

37. — The registration of marriage of the father and mother of a natural child after his birth, confers upon the child the status of a legitimate child as from date of birth.

38. — The acknowledgement of a natural child confers upon such child the status of a legitimate child.

39. — Whenever a child has been acknowledged by his father, the Court may, on application, order the father to pay for the maintenance of the mother such allowance as the Court may think fit.

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40. — Whenever a natural child has not been acknowledged by his father, the Court may, on application of the mother or guardian of such child and on proper evidence of parentage, order the father to pay for the maintenance of the child during minority such allowance as the Court may think fit.

The Court may also grant an allowance to the mother, on her application.

Title III. — Marriage.

41. — An allowance to the mother of an acknowledged or natural child shall be refused or discontinued if she has married or is leading a disreputable life.

TITLE IV.

DIVORCE.

42. — From the day of the coming into force of this Law divorce may only be by mutual consent or by judgment of a Court.

43. — Divorce by mutual consent is invalid unless registered by the local Family Registrar in the presence of two witnesses.

44.—The entry of a divorce by mutual consent in the Register of Divorce shall contain the following particulars :

- 1) the place and district of registration ;
- 2) the date of entry;
- 3) the personal name, family name, age and residence of each of the spouses;
- 4) the date or approximate date of the marriage;
- 5) the names and residence of the parents of the spouses ; if a parent is dead or unknown, an entry to that effect shall be made in the Register.

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45. — The entry in the Register shall be signed by the Registrar, the spouses and two witnesses.

46. — The spouses are divorced from the day of registration inclusive.

TITLE V.

ADOPTION.

47. — No adoption is valid unless registered by the local Family Registrar in the presence of two witnesses.

48. — The entry in the Register of Adoption shall contain the following particulars :

- 1) the place of the registration ;
- 2) the date of entry;
- 3) the name, age and residence of the adoptor [=adopter] and of the adopted ;
- 4) the name and residence of the parents of the adopted. If a parent is dead or unknown, an entry to that effect shall be made in the Register.

49. — If the parents of the adopted or one of them are living, or if the adopted is a minor under the care of a guardian, an entry in the Register shall be made to show that the parents or parent or guardian agree to the adoption.

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50. — If the adoptor or the adopted is married, an entry in the Register shall be made to show that his or her spouses agrees to the adoption.

If the adoption is made by husband and wife jointly, they shall be both entered as adoptors in the Register.

51. The entry in the Register must be signed by the Registrar, the adoptor, the adopted, their spouses, if any, and the witnesses.

52. — An adoption may be revoked by mutual consent of the adoptor and adopted provided that such revocation be registered by the local Family Registrar in the same form as the adoption.

