



**Tuvalu**

# **MISSING PERSONS ACT 1984**

**Act 12 of 1984**





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## MISSING PERSONS ACT 1984

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Tuvalu

## MISSING PERSONS ACT 1984

Act 12 of 1984

### AN ACT TO PROVIDE FOR INQUIRIES INTO CASES OF MISSING PERSONS

ENACTED BY THE PARLIAMENT OF TUVALU

Commencement [1 January 1985]

#### 1 Short title and commencement

This Act may be cited as the Missing Persons Act 1984, and shall come into operation on such date as the Minister may, by notice, determine.

#### 2 Interpretation

In this Act “**magistrate**” means —

- (a) a magistrate within the meaning of the Death and Fire Inquiries Act (Cap. 13, 1978 Edn.); or
- (b) a person appointed under Section 14 of that Act.

#### 3 Cases in which inquiries to be held

- (1) Subject to Section 3, an inquiry under this Act shall be held by a magistrate where —
  - (a) a person has been reported to a police officer as missing and the police have not found the missing person within six months after the date of the report; or

- (b) the magistrate is of the opinion that an inquiry ought to be held; or
  - (c) the Attorney-General directs the magistrate to hold an inquiry under this Act; or
  - (d) a person referred to in Subsection (4) requests the magistrate to hold an inquiry under this section.
- (2) The magistrate shall inquire into —
- (a) the cause and circumstances of the disappearance of the missing person; and
  - (b) all matters that will reveal, or are likely to reveal, whether the person is alive or dead; and
  - (c) if the person is alive or likely to be alive - his whereabouts or likely whereabouts at the time of the inquiry.
- (3) Subsections (1) and (2) apply whether the disappearance occurred in Tuvalu or outside Tuvalu.
- (4) The persons entitled under Subsection (1)(d) to request an inquiry are —
- (a) the Chief of Police;
  - (b) any of the following relatives of the missing person: —
    - (i) his spouse;
    - (ii) his father;
    - (iii) his mother;
    - (iv) his brother; (v) his sister; (vi) his child;
  - (c) a guardian of the missing person.

#### **4 Cases in which inquiry need not be held**

- (1) If at any time after an inquiry under Section 3 is required to be held the magistrate is satisfied that no good purpose would be served by holding, or continuing, the inquiry he may so advise the Attorney-General, in writing.
- (2) When the magistrate has so advised the Attorney General he may close the inquiry unless the Attorney General directs otherwise.
- (3) When an inquiry is closed under Subsection (2) it shall not be re-opened except by direction of the Attorney General.

#### **5 Reports**

- (1) After hearing the evidence, the magistrate shall —
  - (a) give his finding in writing signed by him; and

- (b) forward a copy, together with the depositions, to the Attorney-General; and
  - (c) if the finding is that the missing person is dead and died in Tuvalu - forward a copy to the Registrar-General.
- (2) On receipt of a copy of a finding forwarded under Subsection (1)(c), the Registrar-General shall cause the death to be registered under the Births, Deaths and Marriages Registration Act (Cap. 27 1978 Edn.).

## **6 Application of Cap.13 to inquiries regarding missing persons**

For the purposes of this Act —

- (a) a magistrate has all applicable powers under Part II of the Death and Fire Inquiries Act (Cap. 13. 1978 Edn.); and
- (b) the provisions of that Part, with any necessary modifications, apply.

**ENDNOTES****Table of Legislation History**

<b>Legislation</b>	<b>Year and No</b>	<b>Commencement</b>

**Table of Renumbered Provisions**

<b>Original</b>	<b>Current</b>

**Table of Endnote References**