



REPUBLIC OF NAURU

Accommodation Registration Act 2006

As in force from 15 April 2011

This compilation comprises Act No. 9 of 2006 as amended and in force from 15 April 2011 (being, at the time the compilation was prepared on 16 May 2011, the date of commencement of the most recent amendment).

The notes section at the end of the compilation includes a reference to the law by which each amendment was made. The Table of Amendments in the notes section sets out the legislative history of individual provisions.

The operation of amendments that have been incorporated in the text of the compilation may be affected by application provisions that are set out in the notes section at the end of the compilation.

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REPUBLIC OF NAURU

Accommodation Registration Act 2006

An Act relating to the registration of accommodation houses and the levy of a bed tax and for related purposes

PART 1 – PRELIMINARY

1 Short title

This Act may be cited as the *Accommodation Registration Act 2006*.

2 Commencement

This Act or parts thereof shall come into operation on a date or dates to be fixed by the Minister by notice published in the Gazette.

3 Definitions

(1) In this Act, unless the contrary intention appears:

‘accommodation house’ means:

- (a) hotel;
- (b) guest house, boarding-house or similar type of establishment;
- (c) an apartment; or
- (d) any other establishment,

in which accommodation is provided for reward for visitors and guests;

‘accommodation unit’, in respect of an accommodation house, means a part of the accommodation house in respect of which a separate charge is usually made and, in the case of an accommodation house that consists of a single apartment not forming part of a group, means that apartment;

'apartment' means a residential apartment or a residential flat and includes a structure of any kind (not being a hotel) that is adapted for use as a dwelling and whether the structure is temporary or permanent or moveable or immoveable;

'bedroom' includes a room that may be used in part otherwise than for sleeping purposes;

'guest' means a person (whether a visitor to Nauru or not) for whom, whether as a lodger, a paying guest, a tenant or otherwise, accommodation is provided for reward in an accommodation house but does not include:

- (a) a child who has not attained the age of 2 years; or
- (b) an owner or an employee of the owner of an accommodation house or a member of the family or household of such an owner or employee;

'Secretary' means the head of the department responsible to the Minister for the administration of this Act;

'visitor' includes a person who is not normally resident in Nauru but who is temporarily resident there and a person who is normally a resident but is staying on Nauru temporarily with the intention of leaving.

- (2) For the purposes of this Act, where an accommodation house is conducted by a lessee or sub-lessee, that person shall be deemed to be the owner of the accommodation house.
- (3) For the purposes of this Act, where an accommodation house is owned by a body corporate or a government entity, the principal operator shall be deemed to be the owner of the accommodation.

PART 2 – REGISTRATION OF ACCOMODATION HOUSES

4 Accommodation houses to be registered

- (1) The owner of an accommodation house may furnish to the Secretary an application for the registration of the accommodation house in accordance with a form provided by the Secretary for the purpose.
- (2) The Secretary shall consider the application and, if the accommodation house complies with the prescribed requirements, the Secretary shall, subject to the succeeding

provisions of this section, register the accommodation house in respect of the period for which the registration is sought.

- (3) In considering whether to register an accommodation house under subsection (2), the Secretary shall have regard to whether the accommodation house complies with any prescribed requirements.
- (4) The registration of an accommodation house under this section may be subject to conditions specified in the instrument of registration.
- (5) If a person other than the person who made the application for the current registration of an accommodation house becomes the owner of an accommodation house, the first mentioned person shall, within 14 days after the person became the owner, apply in writing to the Secretary for approval of the change of ownership.

Penalty: \$500.00.

- (6) If the Secretary is satisfied that the person who made the application is a fit and proper person to be the owner of an accommodation house, the Secretary shall grant the application, and, in any other case, may refuse to grant the application and cancel the registration of the accommodation house.
- (7) In determining whether the person is a fit and proper person to be the owner of an accommodation house, the Secretary may have regard to such matters as he considers to be relevant and, in particular, to the following, so far as they are relevant:
 - (a) whether the person is an habitual drunkard;
 - (b) whether the person is addicted to drugs;
 - (c) whether the person has been convicted of an offence in Nauru or elsewhere; and
 - (d) whether the person has persistently disregarded, or is unlikely to comply with, the provisions of this Act and of the regulations.
- (8) The Secretary shall, at the request of the owner of an accommodation house registered under this section, cancel the registration of the accommodation house.

5 Form of application – hotels

An application for the registration as an accommodation house of a hotel shall:

- (a) be in the prescribed form;
- (b) specify the maximum number of guests intended to be supplied with sleeping accommodation;
- (c) specify the number of accommodation units in the hotel.

6 Form of application – guest houses and boarding-houses

An application for the registration as an accommodation house of a guest house, boarding-house or similar type of establishment shall:

- (a) be in the prescribed form;
- (b) specify and describe the accommodation units in the establishment; and
- (c) specify the maximum number of guests intended to be supplied with sleeping accommodation.

7 Form of application – group of apartments

An application for the registration as an accommodation house of a group of apartments on the same parcel of land shall:

- (a) be in the prescribed form;
- (b) specify and describe the accommodation units in the group of apartments; and
- (c) specify the maximum number of guests intended to be supplied with sleeping accommodation.

8 Form of application – single apartment

An application for the registration as an accommodation house of a single apartment shall:

- (a) be in the prescribed form;
- (b) specify and describe the apartment; and

- (c) specify the maximum number of guests intended to be supplied with sleeping accommodation.

9 Period of registration

Subject to this Act, registration has effect until the 3rd anniversary of the registration of the accommodation house.

10 Cancellation or suspension of registration

- (1) Subject to subsection (4), the Secretary may:
 - (a) suspend the registration of an accommodation house; or
 - (b) cancel the registration of a person as the manager of an accommodation house; or
 - (c) cancel the registration of an accommodation house.
- (2) The Secretary must not suspend the registration of an accommodation house unless the Secretary:
 - (a) has, at least 1 month before suspending the registration, informed the owner that he or she is considering suspending the registration; or
 - (b) considers that, for reasons of health or safety, the registration should be suspended immediately.
- (3) Where suspension of an accommodation house has continued for a period of 3 months, the Secretary may, by notice signed by him and served on the owner or manager of the accommodation house concerned, cancel the registration of the accommodation house.
- (4) The Secretary may cancel or suspend the registration of an accommodation house:
 - (a) if a condition subject to which the accommodation house is registered is breached; or
 - (b) if:
 - (i) this Act or the regulations; or
 - (ii) any other prescribed Act or prescribed regulations;have not been complied with in respect of the accommodation house.

11 Inspection of accommodation houses

- (1) The Secretary or an officer authorised by the Secretary may at any time during the hours of daylight inspect an accommodation house registered under this Act or an accommodation house in respect of which an application has been made for registration, but not so as to interfere unreasonably with the privacy of a person who is a guest in or is, otherwise than as a guest, residing in the accommodation house.
- (2) A person shall not prevent, hinder or refuse to allow, the inspection of an accommodation house under subsection (1).

Penalty: \$500.

PART 3 – BED TAX AND MISCELLANEOUS

12 Bed tax

- (1) In this section:

‘accommodation proprietor’ means a person who was, on a payment day, the owner of an establishment that was registered as an accommodation house under subsection 4(2) at any time since the immediately preceding payment day.

- (2) An accommodation proprietor becomes liable on the last day of each month to pay the Republic a fee (**‘the bed tax’**) calculated in accordance with subsection (3) in respect of the accommodation house.
- (3) The amount of bed tax payable is to be calculated in accordance with the following formula:

$$BT = C \times (G_1 + G_2 + G_3 + \dots + G_n)$$

where:

BT = the bed tax payable in respect of the accommodation house;

C = \$10;

G = the number of persons actually accommodated by the accommodation house on a day that is day 1 (G_1) and day 2 (G_2) and so on until day the last day of the month (G_n);

- (4) An accommodation provider may charge, or cause to be charged, the bed tax direct to a guest.
- (5) If an accommodation provider has not paid the bed tax within 14 days of the end of the month for which it is payable:
 - (a) the fee is a debt due and payable to the Republic by that accommodation provider; and
 - (b) interest is payable on the bed tax at the rate of 10% per annum from the first day of the month following the month for which the tax is payable until payment is made.
- (6) If a bed tax in respect of an accommodation house has not been paid within 1 month of that fee becoming due, the Secretary may suspend the registration of the accommodation house.

13 Exemptions from bed tax

In calculating the bed tax under subsection 12(3) a person or persons whose accommodation is paid for by the Republic shall not be taken into account.

14 Application of revenue

The revenues received from the bed tax must be paid to the Treasury Fund.

15 Operating an unregistered accommodation house

A person who operates an accommodation house at a time when it is unregistered or the registration has been suspended, commits an offence.

Penalty:

Hotel – \$5,000 fine plus \$1,000 per day it remains in operation while unregistered or the license is suspended.

Guest house, boarding house or group of apartments – \$1,000 fine plus \$200 per day it remains in operation while unregistered or the license is suspended.

Single apartment – \$500 fine plus \$50 per day it remains in operation while unregistered or the license is suspended.

16 False statements

A person shall not make to the Secretary or to an authorised officer in, or in connection with, an application or other matter under this Act or the regulations, and whether orally or in writing, a statement that is false or misleading in a material particular.

Penalty: \$2,000 fine.

17 Regulations

- (1) Cabinet may make regulations, not inconsistent with this Act, prescribing matters:
 - (a) required or permitted by this Act to be prescribed; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) The regulations may provide penalties not exceeding a fine of \$2,000 for offences against the regulations.
- (3) The regulations may make provision with respect to all accommodation houses or with respect to the accommodation houses included in a specified class of accommodation houses.

Notes for Accommodation Registration Act 2006

Table of Constituent Legislation

Short title	Number	Certification	Commencement
<i>Accommodation Registration Act 2006</i>	2006/09	11.08.2006	04.12.2006 (GN 100/2006)
<i>Accommodation Registration (Amendment) Act 2007</i>	2007/07	28.06.2007	01.07.2007
<i>Statute Law Revision Act 2011</i>	2011/08	15.04.2011	15.04.2011

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted
om = omitted os = omitted and substituted

Provision affected	How affected
Section 3	Subs. (1) am. by Act 2011/08.
Section 10	Subs. (2) os. by Act 2011/08.
Section 12	Subs. (3) am. by Act 2007/07, Act 2011/08.
Section 13	Am. by Act 2011/08.
Section 15	Am. by Act 2011/08.