



REPUBLIC OF NAURU

# BIRTHS DEATHS AND MARRIAGES REGISTRATION (AMENDMENT) ACT 2020

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No. 14 of 2020

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An Act to amend the *Births Deaths and Marriages Registration Act 2017*.

Certified: 23<sup>rd</sup> October 2020

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Enacted by the Parliament of Nauru as follows:

**1 Short title**

This Act may be cited as the *Births Deaths and Marriages Registration (Amendment) Act 2020*.

**2 Commencement**

This Act commences on certification by the Speaker.

**3 Amendment of the Births Deaths and Marriages Registration Act 2017**

The *Births Deaths and Marriages Registration Act 2017* is amended by the provisions of this Act.

**4 Amendment of Section 3**

Section 3 is amended by inserting the following in alphabetical order:

**'Funeral Officiator'** means a person approved under this Act to conduct a funeral ceremony under the *Funeral Burial and Cremation Act 2017*;

**5 Amendment of Section 4**

Section 4 is deleted and substituted as follows:

**'4 Registrar of Births, Deaths and Marriages**

(1) There shall be a Registrar of Births, Deaths and Marriages appointed in accordance with the provisions of the *Public Service Act 2016*.

(2) The Registrar shall exercise such powers and perform such functions as provided for under this Act.'

**6 Amendment of Section 5**

Section 5(1) is deleted and substituted as follows:

'(1) A Deputy Registrar may be appointed in accordance with the provisions of the *Public Service Act 2016*.'

**7 Amendment of Section 61**

Section 61(1) is deleted and substituted as follows:

'(1) A Marriage Officer shall not solemnise a marriage without the endorsement of the Minister under Section 54(3)(a).'

**8 Amendment of Section 79**

Section 79 is deleted and substituted as follows:

**'79 Appointment of Marriage Officer and Funeral Officiator**

- (1) An approved organisation shall provide to the Registrar the names of each adult member that such organisation nominates to be a Marriage Officer or Funeral Officiator or both and a certificate of ordination of such member.
- (2) The certificate of ordination shall be signed and attested by the head of the approved organisation.
- (3) The Registrar shall submit the nomination under subsection (1) to the Minister.
- (4) Where the Minister is satisfied that a person nominated under subsection (1):
  - (a) is of good character;
  - (b) is qualified to be a Marriage Officer or Funeral Officiator or both; and
  - (c) the provisions of this Act have been complied with,the Minister shall, in consultation with the Cabinet, shall approve such person to be a Marriage Officer or Funeral Officiator, or both and the Registrar shall record the name of such Officer in the list of approved Marriage Officers or Funeral Officiators or both.
- (5) A person is appointed approved to be on the list under subsection (4) is approved'.

**9 Insert new Section 87A**

A new Section 87A is inserted as follows:

**'87A Offence to officiate funeral falsely pretending to be Funeral Officiator**

- (1) No person unless approved under Section 79 shall officiate a funeral.
- (2) A person who contravenes subsection (1), commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 5 years or to both.'

**10 Consequential amendment**

The *Funeral Burial and Cremation Act 2017* is amended as follows:

- (a) in Section 11 by deleting the word 'person' where it first appears and substituting 'Funeral Officiator';
- (b) in Section 19(2)(e) by deleting 'religious minister' where it appears and substituting 'Funeral Officiator'; and
- (c) in Section 22(d) by deleting 'religious minister' where it appears and substituting 'Funeral Officiator'.