



REPUBLIC OF NAURU

# **BIRTHS DEATHS AND MARRIAGES REGISTRATION (REGISTRATION OF BIRTHS OF NAURUAN CHILDREN BORN OUTSIDE THE REPUBLIC) REGULATIONS 2019**

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SL No. 24 of 2019

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Notified: 24<sup>th</sup> August 2019

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Cabinet makes the following Regulations under section 102(2)(b) of the *Births Deaths and Marriages Registration Act 2017*:

**1 Citation**

These Regulations may be cited as the *Births Deaths and Marriages Registration (Registration of Births of Nauruan Children Born Outside the Republic) Regulations 2019*.

**2 Commencement**

These Regulations come into effect on the day they are notified in the Gazette and shall have retrospective effect for purposes of registration of births of Nauruan children born outside of the Republic.

**3 Application for registration**

An application for registration of birth of a Nauruan child born outside the Republic shall be made by the one or both parents of the child born outside of the Republic in Form 1 of Schedule 1.

**4 Requirements for registration**

(1) For the purpose of section 19 of the Act, the particulars which shall be provided for the registration of a Nauruan child born outside the Republic are:

- (a) name of the child;
- (b) gender of the child;
- (c) date of birth;
- (d) country of birth
- (e) name and address of the medical facility where the child was born
- (f) names of the mother and father as it appears in the marriage certificate and where the parents are not married, the names of the respective parents or mother as it appears in their birth certificates;
- (g) nationality of the parents;
- (h) districts of the parents in Nauru; and
- (i) tribe.

(2) The parents of the child shall provide to the Registrar:

- (a) the documentary evidence of birth provided by the medical facility where the child was born; or
- (b) the birth certificate of the child issued by the country where the child was born.

**5 Compulsory registration of birth of child in the country of birth**

- (1) The birth of a Nauruan child born outside the Republic shall be registered in the respective country of birth.
- (2) A birth certificate issued under sub-regulation (1) shall be conclusive evidence of the birth of the Nauruan child for the purposes of registration of birth under the Act and these Regulations.

**6 Statutory declaration verifying application**

Where the documents in regulation 4(2) are not available or capable of being obtained after all reasonable efforts being made, the details provided in Form 1 under Regulation 3 shall be verified by a statutory declaration of the mother and where the mother is unavailable, by the father in Form 2 of Schedule 1.

**7 Certificate of Registration**

For the purpose of section 19 of the Act, a certificate attesting to the registration of the birth of a Nauruan child outside the Republic shall be in Form 3 of Schedule 1.

**8 Gazetting of registration of Nauruan children born outside the Republic**

Where the birth of child is registered under these Regulations, the Registrar shall gazette such registration in Form 4 of Schedule 1.

**9 Register of Nauruan Children Born Outside the Republic**

- (1) For the purpose of section 19 of the Act, the Register established and maintained by the Registrar may be kept as set out in Schedule 2:
  - (a) in writing; and
  - (b) in electronic form that is readily retrievable.
- (2) The Register under this regulation shall be prima facie evidence of the registration of a Nauruan child born outside the Republic.

# SCHEDULE 1

[Regulation 3]

## FORM 1

### REPUBLIC OF NAURU APPLICATION FOR REGISTRATION OF BIRTH<sup>1</sup>

Application Reference number: / 20

#### **PART 1 – PARTICULARS OF CHILD**

Surname: ..... Given names<sup>2</sup>: .....  
Date of birth: DD/MM/YYYY Gender: ..... Country of birth: .....  
Medical Institution [name and address]

#### **PART 2 – PARTICULARS OF MOTHER**

Surname: ..... Given names: .....  
Maiden name (if applicable): ..... Date of birth: <sup>3</sup> .....  
Tribe: ..... Registered district: .....  
Nationality: ..... Occupation: .....  
Telephone contact: ..... Email: .....

#### **PART 3 – PARTICULARS OF FATHER<sup>4</sup>**

Surname: ..... Given names: .....  
Date of birth<sup>5</sup>: ..... Tribe: .....  
Registered district: ..... Nationality: .....  
Occupation: ..... Telephone contact: .....  
Email: .....

#### **PART 4 – PARTICULARS OF MARRIAGE OF PARENTS OF CHILD<sup>6</sup>**

Date of marriage: DD/MM/YYYY Place of marriage: .....

#### **PART 5 – PARTICULARS OF INFORMANT**

Surname: ..... Given names: .....  
Address: ..... Telephone contact: .....  
Occupation: ..... Relationship to child: .....  
I [name of informant]) to the best of my knowledge, information and belief certify that the information provided in this form are true to the best of my knowledge, information and belief.  
..... Date: / / 20....  
Signature of informant

#### **PART 6 – OFFICIAL PURPOSES ONLY**

- This office will not accept lodgement of this form if it is not completed in full.
- Application received on: / / 20.... Identification sighted – drivers licence / passport / other
- Fee paid. Revenue receipt number: ..... Taken by: .....

Date: / / 20....

Registrar of Births, Deaths and Marriages

<sup>1</sup> Persons who may register birth are: one or both parents.

<sup>2</sup> The Registrar shall not register names where the proposed name including the surname and combination of which in any language exceeds 5 words and, the Registrar shall not register a name he or she deems a prohibited name in any language.

<sup>3</sup> Insert date of birth or age at the time of birth of child.

<sup>4</sup> If married or voluntarily provided by the mother with the father's consent.

<sup>5</sup> Insert date of birth or age at the time of birth of child.

<sup>6</sup> Marriage certificate must be provided where the parents are married.

## FORM 2

[Regulation 6]

### STATUTORY DECLARATION<sup>1</sup>

I<sup>2</sup>, [insert full name], of [insert address], [insert occupation] do solemnly and sincerely declare that I am the biological [insert mother or father<sup>3</sup>] of [insert full name of child], a [insert whether female or male child] born in [insert name of medical institution, city, country] on [insert date of birth] and say as follows:

- (1) [Name of the child] was born on or about the [insert date].
- (2) The child was born at [name of medical institution], the address of which is [insert full address of the medical institution in the foreign country].
- (3) I/We decided to have our child being born in [insert the name of country] and not in Nauru.
- (4) I confirm that [<sup>4</sup>] are Nauruan citizens as such the child is also a Nauruan citizen by descent and capable of being registered under the *Births Deaths and Marriages Registration Act 2017*.
- (5) I/ We did not register the child in the country of birth due to [insert the reason].
- (6) I/We registered the child in the country of birth but could not trace the birth certificate of the [name of child] due to [state the reason].
- (7) I/We only have the hospital records of the birth, a copy of which is annexed to this declaration  
**OR**  
I/We cannot provide the evidence of the birth of the child from the medical institution where the child was born due to [state the reason].
- (8) I certify the child was born at the [medical institution] in [name of foreign country].

I/We make this solemn declaration by virtue of the *Oaths, Affirmations and Statutory Declarations Act 1976* conscientiously believing in the statement contained therein to be true in every particular.

.....  
Signature of mother

.....  
Signature of father

I, [name of the Commissioner for Oaths/ Notary Public/legal practitioner] confirm that I read back and explained to the details of this declaration to the [name of deponent] and he or she appeared to fully understand the meaning and effect thereof on the                      day of                      20....

.....  
Signature of Commissioner for Oaths/Notary Public/legal practitioner

<sup>1</sup> Declaration of biological parents of the Nauruan child born outside the Republic.

<sup>2</sup> Insert name of parent.

<sup>3</sup> Father to make declaration where the mother is unavailable.

<sup>4</sup> Insert whether mother or father or is/are Nauruan citizens.

**FORM 3***[Section 19; Regulation 7]***REPUBLIC OF NAURU**

Registration Number: / 20

**CERTIFICATE OF REGISTRATION OF BIRTH  
(NAURUAN CHILD BORN OUTSIDE THE REPUBLIC)**

<b>1. <u>CHILD</u></b> Surname: Given names: Date of birth: Gender: Place of birth: Tribe: Nationality:	
<b>2. <u>MOTHER OF THE CHILD</u></b> Surname: Given names: Maiden name: Age: Occupation: Tribe: Nationality: Registered District:	
<b>3. <u>FATHER OF THE CHILD</u></b> Surname: Given names: Age: Occupation: Tribe: Nationality: Registered District:	
<b>4. <u>MARRIAGE OF PARENTS</u></b> Date of marriage: Place of marriage:	
<b>5. <u>INFORMANT</u></b> Name: Address:	
<b><u>REGISTRAR</u></b> I hereby certify that the above particulars relating to the registration of Birth of a Nauruan Child Born Outside the Republic are contained in the Register kept in the Registry in the Republic of Nauru.  Given under my hand and seal this ..... day of ..... 20 .  ..... <b>Registrar of Births, Deaths and Marriages</b>	

**FORM 4**

*[Regulation 6]*

**REPUBLIC OF NAURU**

**NOTIFICATION OF BIRTH REGISTRATION IN GAZETTE**

**Gazette Notice No:    / 20**

**TAKE NOTICE** that the Registrar for Births, Deaths and Marriages has registered the birth of the following Nauruan child born outside the Republic:

Surname of child: ..... Given names of child: .....

Date of birth of child:    /    / 20....                      Gender: .....

Tribe: .....                      Nationality: .....

Country of birth of child: .....

Given names and surname of mother: .....

Registered district of mother: .....                      Tribe of mother: .....

Given names and surname of father: .....

Registered district of father: .....                      Tribe of father: .....

.....                      Date:    /    / 20....

Registrar of Births, Deaths and Marriages

## SCHEDULE 2

*[Section 19 and Regulation 9]*

### REGISTER OF BIRTHS OF NAURUAN CHILDREN BORN OUTSIDE THE REPUBLIC

REGISTER OF BIRTHS OF NAURUAN CHILDREN BORN OUTSIDE THE REPUBLIC									
Name of child <sup>1</sup>	Date of birth	Place of birth <sup>2</sup>	Gender	Names of parents <sup>3</sup>	Registered districts of parents	Parents' tribes	Parents' occupation	Gazette Notice No.	Certificate No.

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<sup>1</sup> Insert given names and full names of child.

<sup>2</sup> Insert name of hospital, city, country.

<sup>3</sup> Insert given names and full names of mother and father of child.