

BIRTHS, DEATHS AND MARRIAGES REGISTRATION

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Births, Deaths and Marriages Registration Act 2017

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Births, Deaths and Marriages Registration Act 2017

TABLE OF AMENDMENTS

The Births, Deaths and Marriages Registration Act 2017 No 33 was certified on 19 December 2017 and commenced on 1 February 2018 (GN No 910/2017; Gaz 203/2017).

Amending Legislation	Certified	Date of Commencement
Births, Deaths and Marriages Registration (Amendment) Act 2020 No 14	23 October 2020	23 October 2020
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021

An Act to repeal the *Births, Deaths and Marriages Act 1957*, for the establishment and maintenance of registers of births, deaths, marriages, adoptions, change of names and the recording in the registers of information in respect of births, deaths, marriages, changes of name and adoptions that take place in the Republic and in certain other circumstances; the issuing of certificates in respect of information recorded in the Register and access to information recorded in the Register and related matters.

Enacted by the Parliament of Nauru as follows:

PART 1 — PRELIMINARY

1 Short title

This Act may be cited as the *Births, Deaths and Marriages Registration Act 2017*.

2 Commencement

This Act commences on 1 February 2018.

3 Definitions

In this Act:

‘adoption’ means a change in the legal parents of a child under the *Adoption of Children Act 1965*;

‘adult’ means a person who is 18 years of age or more;

‘approved organisation’ means an organisation or religious body approved by the Cabinet for the purposes of and under this Act;

‘approved person’ means a person approved by the Cabinet for the purposes of and under this Act;

‘birth registration form’ means a birth registration form prescribed by regulations;

‘change’ in relation to a name, includes an addition or substitution;

‘child’ means a person who is not an adult and includes a stillborn ‘child’ and has a corresponding meaning to that in the *Child Protection and Welfare Act 2016*;

‘court’ means the District Court or where necessary, the Supreme Court;

‘deed poll’ means a legal deed made and executed by a person to formalise a change of the person’s name;

‘disposal of human remains’ has the same meaning as provided for in the *Funeral Burial and Cremation Act 2017*;

‘document’ includes electronic information;

‘event’ means a birth, death, marriage, change of name, an adoption, stillbirth or dissolution of marriage;

‘former Act or other law’ includes the *Births, Deaths and Marriages Act 1957* or other preceding legislation;

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

[def insrt Act 14 of 2020 s 4, opn 23 Oct 2020]

‘guardian’ includes the person having the custody or control of a child or young person;

‘health practitioner’ means a registered medical practitioner within the meaning of the *Health Practitioners Act 1999*;

‘marriage’ means a voluntary union between one man and one woman;

‘Marriage Officer’ means:

- (a) the Registrar;
- (b) the Deputy Registrar; or
- (c) an approved person;

‘Minister’ means the President of the Republic;

‘minor’ means any person under the age of 18 years;

‘Nauruan’ means a citizen of the Republic of Nauru;

‘order’ means an order of the court;

‘parent’, in respect of a child, includes a person who has legally adopted the child whether such adoption has occurred in Nauru or elsewhere;

‘prescribed fee’ means a fee prescribed by regulations;

‘prohibited name’ means the proposed names which are prohibited under Section 14(7);

- (a) may cause offence to a reasonable person; or
- (b) is longer than 5 words as provided for under Section 14(5);
- (c) is indecent and obscene;
- (d) resembles an animal, plant or fish;
- (e) resembles violence;
- (f) is treasonous or seditious or resembles names of persons involved in such activities; or
- (g) contravenes the laws of the Republic;

‘Register’ means one of the 7 Registers maintained under this Act, or such records of registers in digital or electronic form;

‘to register’ or ‘registered’:

- (a) for an event, means the recording or causing to be recorded in the Register by the Registrar, under this Act, a former Act, or other law, of information about the event; and
- (b) for any information, means the recording in the Register of the information in a manner authorised by the Registrar under this Act, a former Act, or other law;

‘tribe’ means the tribes which exist or existed in the Republic;

‘Registrar’ means the Registrar appointed under this Act; and

‘stillbirth’ means the birth of a dead baby, the delivery of the foetus that died before birth for which there is no possible resuscitation.

PART 2 — ADMINISTRATION

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.

[s 4 subst Act 14 of 2020 s 5, opn 23 Oct 2020]

5 Deputy Registrar

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

[subs (1) subst Act 14 of 2020 s 6, opn 23 Oct 2020]

- (2) The Deputy Registrar shall exercise such powers and functions as may be delegated by the Registrar.
- (3) In the absence of the Registrar, the Deputy Registrar shall act as the Registrar.

6 Functions of the Registrar

The functions of the Registrar are to:

- (a) establish and maintain a separate Register for:
 - (i) births;
 - (ii) deaths;
 - (iii) stillbirths;
 - (iv) marriages;
 - (v) adoptions;
 - (vi) change of names; and
 - (vii) national identity code; and
- (b) perform such duties and functions prescribed by this Act or any other law.

7 The Registrar's seal

- (1) The Registrar shall have a seal marked '*Registrar of Births, Deaths and Marriages, Republic of Nauru*'.
- (2) A certificate or any document issued under the authority of the Registrar shall be by the seal of the Registrar accompanied by the signature of the Registrar.
- (3) The seal of the Registrar shall constitute the validity of the document issued by the Registrar and shall be conclusive evidence for any purposes.

8 Register of Births, Deaths and Marriages

The following form part of the Registers of Births, Deaths and Marriages under this Act:

- (a) a register or record of births, deaths and marriages that was maintained or purported to have been maintained by the Administrator of the Republic;
- (b) a register or record of births, deaths and marriages that was in existence before the commencement of the *Births, Deaths and Marriages Act 1957*;

- (c) a register or record of births, deaths and marriages that was in existence before 31 January 1968 which were certified by the Administrator to the best of his or her knowledge as the true record of births, deaths and marriages that occurred in the Republic on and after 25 January 1915; and
- (d) a register or record of marriages that was before 31 January 1968 which were certified by the Administrator to the best of his or her knowledge and belief as the true record of marriages that occurred in the Republic on and after 7 July 1921.

9 Compulsory registration of births deaths and marriages

The Registrar shall register each birth, death or marriage occurring in the Republic and other matters contained in Section 6(a).

10 Access to registration of births, deaths and marriages

The Registrar may cause a search of information to be made or permit the inspection of a source document or provide a person with a printout, certificate, copy of a source document or information requested only if:

- (a) the request is in respect of a named person;
- (b) the request is for a source document of the named person's birth, death, marriage or change of name;
- (c) the person making the request satisfies the Registrar that he or she is a person authorised by law to access the information;
- (d) the request is made in a prescribed form or procedure approved by the Registrar; and
- (e) the prescribed fee is paid.

11 Persons authorised to obtain registered information

- (1) The following persons may obtain information in relation to a birth or change of name in the form of a printout or a certificate:
 - (a) the person who is the subject of the information;
 - (b) a guardian or immediate family member of the person who is the subject of the information;
 - (c) any person, if the person who is the subject of the information was born 75 years from when the information is sought;
 - (d) any person, in the case of a stillbirth, where the stillbirth occurred more than 20 years from when the information is sought; and
 - (e) the persons described in subsection (4).
- (2) The following persons may obtain death information in the form of a printout or a certificate:
 - (a) the person authorised to register a death under Section 38;
 - (b) an immediate family member of the person who is the subject of the information;
 - (c) any person, if the person who is the subject of the information:
 - (i) died 20 years or more from when the information is sought; or
 - (ii) was born 75 years or more from when the information is sought;and
 - (d) the persons described in subsection (4).
- (3) The following persons may obtain marriage information in the form of a printout or a certificate:

- (a) a person who is the subject of the information;
 - (b) an immediate family member of a person who is the subject of the information;
 - (c) any person in the case of a marriage that occurred 75 years or more from when the information is sought; or
 - (d) the persons described in subsection (4).
- (4) The following persons may obtain information on births, deaths, marriages or change of names in the form of a printout or a certificate:
- (a) a person who has been granted a power of attorney or has a written authority to obtain the information by the person who is the subject of the information;
 - (b) a person who requires the information for use in proceedings in a court or quasi-judicial bodies;
 - (c) an executor, administrator or trustee of an estate or trust who requires the information for administration of the estate;
 - (d) the Nauru Lands Committee established under the *Nauru Lands Committee Act 1956*;
 - (e) a public authority to avoid prejudice to the maintenance of the law, including the prevention, detection, investigation, prosecution and punishment of offences;
 - (f) the Nauru Police Force;
 - (g) a person who satisfies the Registrar that he or she requires the information for a proper purpose related to the purpose of recording information under the Act; and
 - (h) family members for the purpose of undertaking family history or research.

PART 3 — REGISTRATION OF BIRTHS

12 Compulsory notification of births

Where a child is born at a hospital in the Republic, the Director of Medical Services shall notify or cause the birth to be notified to the Registrar within 7 days of the birth.

13 Compulsory registration of births

- (1) Where a person is born in the Republic one or both parents jointly shall register the birth of the person within 21 days of the birth.
- (2) Where the parents are not able to register the birth of the person in subsection (1), a guardian may register the birth in the same manner and form as the parents would have registered the birth.

14 Particulars of birth

- (1) The particulars which shall be provided for the purposes of registration of a birth are:
 - (a) name of the child;
 - (b) gender of the child;
 - (c) date of birth;
 - (d) place of birth;
 - (e) name of the mother as it appears in the marriage certificate;
 - (f) name of the father as it appears in the marriage certificate;
 - (g) where the parents are not married, the names of the respective parents or mother as it appears in their birth certificates;
 - (h) nationality of the parents;
 - (i) registered districts of the parents;
 - (j) tribe; and
 - (k) any other information as prescribed by regulations.
- (2) A Nauruan when registering a birth shall register the surname:
 - (a) of the biological father; or
 - (b) of the biological mother where the name of the biological father of the person whose birth is to be registered is not provided.
- (3) Where the Nauruan biological father intends to register the name of a person whose biological mother is a Nauruan and both the biological parents are not married to each other or to any other person, the father shall prior to registration:
 - (a) obtain the consent of the biological mother; or
 - (b) obtain an order from the Supreme Court declaring him as the father.
- (4) Where a foreign person registers a birth without a surname, the foreign person's second name may be registered as a surname.
- (5) The Registrar shall not register a proposed name for registration under subsection (1) where the proposed name including the surname and combination of which in any language exceeds 5 words.
- (6) The Registrar shall not register a name he or she deems a prohibited name in any language.

- (7) The Cabinet may make regulations declaring certain names or class of names to be prohibited names.

15 Births in the Republic shall be registered

A birth in the Republic not registered under a former Act or other written law shall be registered under this Act by the Registrar.

16 Late registration of birth

Where a birth of any person is not registered under Section 13 or under any former Acts, the Registrar shall register the birth of a person:

- (a) on an application for registration of birth;
- (b) upon payment of a late fee prescribed by regulations; and
- (c) a statutory declaration verifying the information in Section 14.

17 Births on aircrafts and vessels to the Republic may be notified

- (1) Where a person is born:
 - (a) in an aircraft during a flight; or
 - (b) on a vessel during a voyage,to the Republic, one or both parents, a guardian, the Captain of the aircraft or the Master of the vessel may notify the Registrar.
- (2) A birth under subsection (1) shall be registered within 28 days from the date of birth of the person.

18 Registration of stillbirths

- (1) A stillbirth shall be registered by one or both parents in the Register of Stillbirths.
- (2) The details required for the registration of stillbirths shall be prescribed by regulations.

19 Child born outside the Republic

- (1) Where a Nauruan is born outside the Republic, whether or not the birth is registered in the foreign country of birth in accordance with the laws of the foreign country, the birth shall be registered in the Republic.
- (2) The particulars required for the registration of the birth under subsection (1) shall correspond with Section 14.

20 Registration of birth of a foreign child in the Republic

- (1) Where a foreign child is born in the Republic and both parents are foreigners, the parents may register the birth of the child in the Republic.
- (2) The registration of birth of a foreign child shall not be deemed to be recognition or a declaration that the foreign child is a citizen of the Republic.
- (3) At the time of the registration and issuing of the birth certificate, the Registrar shall record the nationality or citizenship of the foreign child as that of the foreign parents.

21 Where name other than registered name is given at baptism

- (1) The parents of a child who is to be baptised shall provide the birth certificate of the child to the officiating minister prior to the time of baptism.

- (2) Where a child is given a name at baptism different to the registered name, the officiating minister shall provide a certificate or notification of the baptismal name to the parents.
- (3) The parents may register the baptismal name with the Registrar.
- (4) Where the parents apply to register the baptismal name, the Registrar:
 - (a) shall not substitute the registered name with the baptismal name; and
 - (b) may only register the baptismal name in the Register without altering or making changes to the registered name in the birth certificate.
- (5) The registered name shall be recognised as the name for all official purposes.

22 Change of name by deed poll

- (1) A person who has attained the age of 18 years may change his or her forenames or surname by a deed poll.
- (2) The parents may change the forenames or surname of their child under the age of 18 years by a deed poll.
- (3) The deed poll shall be in the form prescribed by regulations.
- (4) Where the name of a person has been changed by deed poll under subsection (1) or (2), the new name shall be registered by an application to the Registrar:
 - (a) in the prescribed form;
 - (b) accompanied by the deed poll; and
 - (c) the reason or reasons for the change of name.
- (5) Where satisfied, the Registrar shall enter and sign on the original entry a memorial of the change of name by deed poll in the Register.
- (6) Every certificate or certified copy issued under this Act after registration shall show the name as changed and no other name.
- (7) The registration of any change of name by deed poll may be prescribed by regulations.
- (8) An application for a change of name under this Section shall be accompanied by the prescribed fee.

23 Registration of change of name

The Registrar may register the change of name proposed under Section 22, if in respect of an application for a change of name under this Act, the Registrar is satisfied:

- (a) that the application is in accordance with this Part;
- (b) as to the identity and age of the person whose name is to be changed;
- (c) that the change of name is not:
 - (i) sought for a fraudulent or other improper purpose;
 - (ii) to conceal any criminal convictions; or
 - (iii) to conceal any deportation or prohibition of entry into any foreign country;
- (d) that the proposed name is not and does not contain a prohibited name; and
- (e) the requirements of Section 22 have been met where the application is in respect of a minor.

24 Court may order change of name of child

- (1) Subject to Section 22, a parent or guardian of a child may apply to the court for an order changing the name of the child.
- (2) The court may order that the name of the child be changed, if the court is satisfied that:
 - (a) the change of name is in the best interests of the child; and
 - (b) the proposed name is not a prohibited name.
- (3) On the making of an order under subsection (2), the Registrar of Courts which made the order shall provide a sealed copy of the order to the Registrar who on receipt of the order shall register the change of name.

25 Change of name to be included with birth information

Where there is a change of name of a person whose birth is registered under this Act or a former Act, the Registrar shall:

- (a) register the change of name; and
- (b) retain all other information about the birth of that person provided at the initial registration of birth.

PART 4 — REGISTRATION OF ADOPTIONS

26 Registration of adoptions under former Act

- (1) No adoptions other than adoptions under the *Adoption of Children Act 1965* shall be a registrable adoption.
- (2) An adoption under the *Adoption of Children Act 1965* not registered under the former Act may be registered under this Act.

27 Registration of adoptions

- (1) On the making of an adoption order, the Resident Magistrate shall provide to the Registrar a sealed copy of the order together with a notice which shall include:
 - (a) the registered name of the minor, if any, immediately before the making of the order;
 - (b) the name of the minor to be registered after the making of the order;
 - (c) the date and place of birth of the minor;
 - (d) the gender of the minor;
 - (e) the forenames and surnames if any of the biological parents or the last preceding adoptive parents of the child;
 - (f) the forenames and surnames, occupation and address of the adoptive parent or parents of the child;
 - (g) the name and title of the judicial officer granting the order;
 - (h) the date the order was made; and
 - (i) any other information the Registrar may require.
- (2) The Registrar shall on the receipt of the information under subsection (1), amend such particulars of the registration of a birth by:
 - (a) registering the name conferred on the child by the adoption order in substitution of the name of the child immediately prior to adoption; and
 - (b) registering the name and details of each adoptive parent in substitution of the name and details of the biological or last preceding adoptive parents.

28 Registration of birth after adoption order where birth not registered

Where the birth of a person was not registered under the former Act or this Act but an adoption order was subsequently made by the court, the Registrar shall register the adoption as if the birth was registered under Section 13.

29 Variation or discharge of adoption order

- (1) Where an adoption order is subsequently varied or vacated, the Registrar of Courts making the order shall provide a sealed copy of the order to the Registrar.
- (2) On receipt of a copy of an order under subsection (1), the Registrar shall register the order in accordance with Section 27.

30 Registration of overseas adoptions

The Registrar shall not register the name of a foreign person adopted by a Nauruan under the written laws of a foreign country.

31 Requisition of information of adoption

- (1) Where a person requests for any purpose information in the Register in respect of the birth of a person to whom this Part relates, the Registrar shall provide:
 - (a) the most recent registered information; and
 - (b) a certified record of the entry in the Register.
- (2) The Registrar shall not divulge, reveal or make accessible any historical registration other than the limitation provided under subsection (1).

32 Inspection of register of adoption

Where a person requests to inspect the information in the Register in respect of a birth registered under this Part, the Registrar may allow the person to inspect the Register if the Registrar is satisfied that:

- (a) the information sought is material to the purpose for which inspection is required; and
- (b) allowing the information to be inspected will not be an unjustified intrusion of the privacy of any person.

33 Request to be in writing

For the purposes of Sections 31 and 32, an application for a request for information or inspection of the Register shall be:

- (a) made in the prescribed form;
- (b) upon payment of prescribed fees; and
- (c) supported by detailed reasons for the request for inspection or information.

34 Registrar may provide adoption information to registration authorities overseas

Where the Registrar is satisfied that:

- (a) an authority constituted in a foreign country has the function of recording information relating to births within the foreign country; and
 - (b) a person adopted in the Republic was born in the foreign country,
- the Registrar may supply to the authority information about the adoption when requested by the authority to do so.

PART 5 — REGISTRATION OF DEATHS

35 Compulsory notification of deaths

Where a person dies at a hospital in the Republic, the Director of Medical Services shall notify or cause the death to be notified to the Registrar immediately after the death.

36 Compulsory registration of deaths

- (1) The Registrar shall register each death occurring in the Republic on the provision of the particulars of the death provided to him or her in the prescribed form.
- (2) A death in the Republic not registered under a former Act or other written law shall be registered under this Act.

37 Particulars of death

The particulars of the deceased which shall be provided for the purposes of the registration of a death are:

- (a) name;
- (b) age;
- (c) gender;
- (d) address;
- (e) nationality;
- (f) tribe;
- (g) date of death;
- (h) place of death;
- (i) date of burial or cremation;
- (j) name and address of the approved person officiating the funeral service of the deceased person;
- (k) name and address of person registering the death; and
- (l) such other requirements which may be prescribed by regulations.

38 Persons to notify death

- (1) Subject to subsection (3), the right to register a death vests in the following persons in order of priority:
 - (a) the spouse of the deceased;
 - (b) the adult child of the deceased;
 - (c) the parents of the deceased;
 - (d) the adult siblings of the deceased;
 - (e) where a deceased is a minor or stillborn child, the parents or the guardians; or
 - (f) where there are no persons described in paragraphs (a) to (e), any person who knew or was living with the deceased.
- (2) Where the person at the top of the order of priority in subsection (1) is unavailable or unwilling to register the death, the right to register passes to the person who is next in the order of priority.

- (3) Where a person prior to his or her death makes a testamentary instrument providing for a personal representative to register the death and administer the estate, the testamentary instrument shall prevail over subsection (1).

39 Registration of death

The person who has the right to register a death under Section 38 shall register the death in the prescribed form.

40 Notification of death by health practitioner

- (1) A health practitioner who attended the person during his or her last illness or examined or carried out a post mortem of the deceased shall issue a notification of death.
- (2) The notification of death issued under subsection (1), shall provide the following details of the deceased:
 - (a) name;
 - (b) age or date of birth;
 - (c) gender;
 - (d) address;
 - (e) nationality;
 - (f) tribe;
 - (g) date of death;
 - (h) cause of death; and
 - (i) place of death.

41 Duty of health practitioner in case of suspicious death

- (1) Where the health practitioner is of the opinion that a person has died under suspicious circumstances, he or she shall report the death to the Nauru Police Force.
- (2) A health practitioner under subsection (1) who reports a death to the Nauru Police Force, shall not without the direction of the Nauru Police Force issue a notification of death.
- (3) A health practitioner shall not issue a notification of a stillbirth without reporting the matter to the Nauru Police Force where he or she has any reason or cause to believe of any suspicious circumstances of a stillbirth or infanticide.

42 Resident Magistrate to notify Registrar

- (1) Where a Resident Magistrate is notified of a death under the *Inquest Act 1977*, the Resident Magistrate shall:
 - (a) notify the Registrar; and
 - (b) if the Resident Magistrate has certified that an inquest into the death is unnecessary, provide to the Registrar such information as the Registrar requires for the purpose of registering the death.
- (2) Where a Resident Magistrate has certified that an inquest into a death is necessary, the Registrar shall not register the death until the inquest has been held.
- (3) After an inquest into a death has been held, the Resident Magistrate shall

notify the Registrar of his or her findings and provide to the Registrar such information as the Registrar requires for the purpose of registering the death or under the *Inquests Act 1977*.

43 Approved person shall notify burial or cremation

An approved person who conducts a funeral service shall notify the Registrar of the burial or cremation within 7 days from the date of the burial or cremation.

44 Notification of death where no funeral service

An approved person or a person under Section 38 shall notify the Registrar within 7 days from the date of disposal of the human remains.

45 Registrar may require person to notify funeral service, burial or cremation

- (1) Where the Registrar is satisfied that an approved person fails to comply with Sections 43 and 44, the Registrar shall issue a prescribed notice in writing requiring the approved person to notify the funeral service, burial or cremation by a date specified by the Registrar.
- (2) A person who contravenes this Section, commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 2 years.

46 Deaths outside the Republic may be notified in certain circumstances

- (1) The Registrar may be notified of a death:
 - (a) on an aircraft during a flight to the Republic by the Captain;
 - (b) on a vessel during a voyage to the Republic by the Master;
 - (c) outside the Republic of a person born in the Republic by a person under Section 38;
 - (d) outside the Republic of a person who is domiciled in or ordinarily resident in the Republic by a person under Section 38; or
 - (e) outside the Republic of a person leaving property in the Republic by a person under Section 38.
- (2) A person notifying a death under subsection (1)(a) or (b) shall do so within 14 days from the date of death, if known or if not known within 14 days from the date the death is discovered.
- (3) A person notifying a death under subsection (1)(c), (d) or (e) shall do so as soon as practicable.

PART 6 — REGISTRATION OF MARRIAGES

DIVISION 1 — COMPULSORY REGISTRATION OF MARRIAGES

47 Compulsory registration of marriage

- (1) The Registrar shall register marriages solemnised in the Republic.
- (2) A marriage solemnised in the Republic and not registered under a former Act or other written law may be registered under this Part.

48 Registration of marriages of Nauruans solemnised outside the Republic

- (1) Subject to subsection (4), where a Nauruan marries outside the Republic, whether or not the marriage is registered in the foreign country in accordance with the laws of the foreign country, the marriage shall be registered in the Republic.
- (2) The particulars required for the registration of a marriage under subsection (1) shall correspond with the requirements under Section 54.
- (3) The Registrar may require particulars or evidence of such marriage.
- (4) Where satisfied with the particulars provided under subsections (2) and (3), the Registrar may register the marriage.

49 Persons to marry

Marriage in the Republic shall be the voluntary union of one man and one woman.

50 Marriageable age

- (1) The marriageable age of a person under this Act shall be at least 18 years.
- (2) No person shall solemnise a marriage of a person who has not attained the age of at least 18 years.

DIVISION 2 — MARRIAGE OFFICERS

51 Marriage Officers

- (1) For the purposes of this Act, the Marriage Officers shall be:
 - (a) the Registrar;
 - (b) Deputy Registrar; and
 - (c) persons approved by the Cabinet to solemnise marriages.
- (2) For the purposes of subsection (1)(c), the Cabinet may appoint such approved persons to be Marriage Officers upon a request made by approved organisations.

52 List of Marriage Officers

- (1) The Registrar shall maintain a list of Marriage Officers which shall contain the following details:
 - (a) name;

- (b) approved organisation;
 - (c) residential and email addresses; and
 - (d) telephone number.
- (2) The Registrar shall publish in the Gazette in January of each year a notice containing the list of persons authorised to solemnise marriages with the corresponding particulars under subsection (1).

53 Power of Registrar to amend list of Marriage Officers

Where a Marriage Officer dies or ceases to be a person authorised to solemnise marriages, the Registrar shall remove that person's name from the list of Marriage Officers.

DIVISION 3 — MARRIAGE PROCESS

54 Marriage application

- (1) A man and a woman who desire to marry shall jointly apply to the Registrar in the prescribed form at least 7 days before the day of the intended marriage.
- (2) The particulars which shall be provided by the persons under subsection (1) shall include:
- (a) birth certificates;
 - (b) addresses;
 - (c) marital status;
 - (d) nationalities;
 - (e) tribes;
 - (f) where applicable, a Dissolution of Marriage Order of the court;
 - (g) date of intended marriage; and
 - (h) any other information which the Registrar may require specifically for the purposes of determining whether the proposed marriage is a prohibited marriage.
- (3) The Registrar shall submit the application to the Minister who may in consultation with the Cabinet:
- (a) endorse the marriage; or
 - (b) decline to endorse where the intended marriage is prohibited under this Act.

55 Registrar to publish Notice to Marry in Gazette

Subject to Section 54(3)(b), the Registrar shall publish the Notice to Marry in the Gazette.

56 Objections to marriage

- (1) A person may lodge with the Registrar an objection to the marriage of any person on the ground that the marriage is one in respect of which the Notice to Marry be revoked.
- (2) An objection shall be in writing signed by or on behalf of the person and shall state his or her full name and residential address and such grounds of objection.
- (3) The objection shall be given to the Registrar within 5 days of the publication of the Notice to Marry.

- (4) Until the objection is withdrawn by the person lodging the objection or has been discharged as provided by Section 57, the marriage shall not be solemnised.

57 Discharge of objection

- (1) On receiving notice under Section 55 of an intended marriage against which he or she is aware that an objection has been lodged, the Registrar shall submit the objection to the Resident Magistrate, who shall forthwith inquire into the grounds of objection stated in the objection and if the Resident Magistrate decides that those grounds should not prevent the solemnisation of the marriage, he or she shall discharge the objection.
- (2) An objection shall be deemed to be discharged after the expiration of 3 months from the date on which it was lodged unless within that time a notice of the intended marriage to which the caveat relates has been given.

58 Vexatious objection

Any person who has lodged an objection shall, if the court considers the grounds on which the objection was lodged to be vexatious and unreasonable, be liable for damages.

59 Renewal or revocation of notice of marriage required if marriage not solemnised within 3 months

- (1) Where a marriage is not solemnised within 3 months of the publication of the notice by the Registrar, the endorsement by the Minister for the proposed marriage shall lapse.
- (2) The persons intending to marry under subsection (1), may reapply to the Registrar for the renewal of the notice for a period of not more than 3 months.
- (3) Where the notice has lapsed or not renewed, the persons intending to marry may make an application for marriage to any other person.
- (4) Where a person after giving notice of marriage has no intention of marrying within 3 months of the publication of the notice, he or she may revoke the notice of marriage by giving a prescribed notice of revocation to the Registrar.
- (5) The Registrar shall publish the notice of revocation or withdrawal in the Gazette.

60 Witnesses to marriage

- (1) A marriage shall be solemnised in the presence of 2 witnesses who shall:
 - (a) sign a certificate;
 - (b) the certificate shall be signed by the Marriage Officer solemnising the marriage; and
 - (c) the certificate shall be signed by the persons marrying, in the presence of each other.
- (2) The witnesses shall be at least 18 years of age.

61 Marriage Officer not to solemnise marriage

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

[subs (1) subst Act 14 of 2020 s 7, opn 23 Oct 2020]

- (2) A Marriage Officer 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 2 years or to both.
- (3) Where a Marriage Officer is convicted under subsection (2), his or her appointment as Marriage Officer shall be revoked.

62 Place and form of marriage

- (1) Every marriage shall be solemnised at a place described in the Notice to Marry published in the Gazette.
- (2) Subject to subsection (1), such marriage shall take place between the persons named in the licence according to such form and ceremony as they may think fit to adopt.

63 Declaration of marriage

- (1) A Marriage Officer solemnising a marriage shall require each of the parties in his presence and in the presence of witnesses to say to the other '*I, AB (name of person), do take you, CD (name of person) to be my lawful wedded wife/husband*', or words as nearly corresponding in a language other than English.
- (2) After the solemnisation of the marriage, the Marriage Officer shall declare the marriage by stating, '*Pursuant to the powers conferred upon me by the Births, Deaths and Marriages Registration Act, I now pronounce you to be husband and wife*'.
- (3) The Minister may in consultation with the Cabinet make regulations for the declaration of marriage in the Nauruan language.

64 Certificate of marriage

- (1) Where a Marriage Officer other than the Registrar or Deputy Registrar solemnises a marriage, the Marriage Officer shall:
 - (a) prepare triplicate copies of the certificate of the marriage in accordance with the prescribed form;
 - (b) require the persons marrying and witnesses to sign the triplicate copies of the certificate; and
 - (c) sign the certificate.
- (2) The Marriage Officer shall:
 - (a) give one of the certificates to the persons married;
 - (b) submit a certificate to the Registrar within 7 days of the marriage; and
 - (c) retain a certificate for his or her records which shall be given to the approved organisation nominating the appointment of the Marriage Officer before he or she ceases to be a Marriage Officer.
- (3) Where a Marriage Officer fails to comply with this Section, he or she commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 2 years or to both.

65 Marriage certificates to be recorded in the Register

- (1) On the receipt of a marriage certificate under Section 64, the Registrar shall:
 - (a) record the certificate in the Register; and

- (b) publish the marriage in the Gazette.
- (2) Where the Registrar fails to comply with subsection (1), he or she commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 2 years or to both.

66 Change of name in a marriage certificate

- (1) Where a person married under this Act has subsequently changed his or her name under this Act, he or she may apply to the Registrar in the prescribed form to vary the marriage certificate by substituting the changed name with the name recorded in the marriage certificate.
- (2) The Cabinet may make regulations for the purposes of this Section.

DIVISION 4 — PROHIBITED MARRIAGES

67 Prohibited marriages

- (1) A marriage shall not be solemnised between 2 persons who fall within the relationships set out in the Schedule.
- (2) No Marriage Officer, court or any person shall authorise or permit the solemnisation or celebration of a proposed marriage of a man and a woman under subsection (1).
- (3) A person who contracts, conspires, aids, abets, solemnises or celebrates a marriage prohibited under 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 10 years or to both.
- (4) A person living in a relationship with another person whose relationship falls within the ambit of a prohibited marriage shall not be validated by any laws in any manner or form.

DIVISION 5 — VOID MARRIAGES

68 Grounds where marriages are void

A marriage is void where:

- (a) at the time of the solemnisation of the marriage, a person was lawfully married to another person either under the laws of the Republic or of a foreign country;
- (b) the marriage is prohibited under Division 4;
- (c) there was mistaken identity of the other person;
- (d) there was misunderstanding of the nature and language of the solemnisation of the marriage;
- (e) a person had medical, physical or mental incapacity at the time of the solemnisation of the marriage;
- (f) a person was induced into the solemnisation of marriage;
- (g) the marriage was solemnised under duress, coercion or other oppressive manner by one of the parties to the marriage or by a third person;
- (h) the person was below the age of 18 years; and
- (i) it is contrary to Section 54(3).

DIVISION 6 — RECOGNITION OF MARRIAGE SOLEMNISED IN FOREIGN COUNTRY

69 Recognition of marriage solemnised in foreign country

- (1) Where a Nauruan applies to the Registrar for the recognition of his or her

marriage solemnised in a foreign country, he or she shall provide the particulars of the marriage in the prescribed form.

- (2) The particulars to be provided by the person under subsection (1), shall include:
- (a) a certificate issued by the marriage authority of the foreign country certifying that the marriage was solemnised;
 - (b) photographs and documentary evidence of the marriage;
 - (c) the local laws of the foreign country where the marriage was solemnised; and
 - (d) a copy of the certificate of marriage duly translated into the English language by a practising lawyer, judicial officer or a Head of a Diplomatic Mission.

70 Certain marriages solemnised in foreign country not recognised

A marriage solemnised in a foreign country shall not be recognised as a marriage in the Republic if the marriage is:

- (a) between a male and another male;
- (b) between a female and another female;
- (c) not recognised as a lawful marriage under the written laws of the foreign country;
- (d) a customary marriage practised in the foreign country; or
- (e) of a person under the age of 18 years.

DIVISION 7 — ADDITIONAL MARRIAGE CEREMONY

71 Remarriage

A person may remarry another person provided the person has an order from the court declaring that the earlier marriage has been dissolved.

72 Marriage not to be solemnised where a person is already married

A Marriage Officer shall not solemnise a marriage where:

- (a) a person seeking to marry is already legally married; or
- (b) the Marriage Officer has received information that persons seeking marriage are already legally married.

73 Contract of marriage void

A contract of marriage or any other form of arrangement or understanding shall be void and not recognised under the laws of the Republic.

DIVISION 8 — LEGITIMATION OF CHILDREN

74 Legitimation by marriage of parents

A person whose parents were not married to each other at the time of his or her birth, but have subsequently married each other, by virtue of the marriage becomes the legitimate child of his or her parents retrospectively from the date of birth.

75 Legitimacy of children of certain void marriages

Where a marriage is deemed a void marriage, any child born during the course of the subsistence of the void marriage shall be deemed to be a legitimate child.

DIVISION 9 — DISSOLUTIONS TO BE RECORDED**76 Dissolutions to be recorded**

Where a court grants:

- (a) an order dissolving a marriage;
- (b) an order declaring that a party to a marriage is presumed to be dead and that the marriage is dissolved; or
- (c) an order declaring a marriage to be void,

the Registrar of Courts shall provide a sealed order of the court to the Registrar.

77 Record of dissolution of marriages outside the Republic

- (1) Where the Registrar is satisfied that a marriage registered under this Act or a former Act or other written law has ended as a result of legal process outside the Republic, the Registrar shall record in the Register as part of the information in respect of the marriage that fact and particulars in respect of the relevant legal process.
- (2) For the purposes of subsection (1), the Registrar may require such information in respect of the ending of the marriage and the relevant legal process as in all the circumstances the Registrar considers necessary.

PART 7 — APPROVED ORGANISATIONS

78 Approval of organisation

- (1) Any organisation or religious body may apply to the Registrar for approval as an organisation which may nominate persons to solemnise marriages or to officiate funeral services or both.
- (2) Every such application shall be accompanied by a statement signed by the highest ranking office bearer and 5 members of the organisation being at least 18 years of age stating:
 - (a) the constitution or the objects and beliefs of the organisation; and
 - (b) the number or, if this cannot accurately be ascertained, the approximate number of members of the organisation of or over the age of 18 years.
- (3) The signatures of the signatories to every application shall be attested by some other person who shall, by statutory declaration attached to the statement, verify the signatures being genuine signatures of the persons whose signatures they purport to be.
- (4) The Registrar shall submit the application to the Minister, being satisfied of the principal object or objects of the organisation is to uphold or promote religious beliefs or philosophical or humanitarian convictions, by notice in the Gazette declare the organisation to be an approved organisation.

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, 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 who is approved to be on the list under subsection (4) is an approved person.

[s 79 subst Act 14 of 2020 s 8, opn 23 Oct 2020]

PART 8 — NATIONAL IDENTITY CODES

80 National Identity Codes

- (1) The Cabinet may make regulations for National Identity Codes.
- (2) The Registrar shall establish and maintain a Register of Identity Codes.

PART 9 — OFFENCES

81 Offence to alter register

- (1) A person who without the authority of the Registrar makes any alteration in a register, 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.
- (2) A person having lawful custody of a register who permits any such alteration under 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.

82 Causing false entry in registers

- (1) A person shall not knowingly, whether by means of false information provided to the Registrar or to a person empowered to solemnise marriages or by any other means, cause a false or incorrect entry to be made in a register.
- (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.

83 Safe keeping of records of registers

A person having lawful custody of a register shall keep the register safely and any such person who negligently loses the register, or wilfully or negligently destroys or defaces any entry in the register, or wilfully or negligently allows any entry in the register to be destroyed or defaced while the register is in his or her custody, commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment of 5 years or to both.

84 False declarations, etc

- (1) A person who wilfully makes a false statement in a declaration under this Act commits an offence.
- (2) A person who, in connection with a proposed religious ceremony of marriage, makes to another person a written statement as to the matters specified in Section 54 that, to the knowledge of the first-mentioned person is false in a material particular commits an offence.
- (3) A person who forges a document or forges a signature to a document for the purpose of inducing another person to solemnise a marriage commits an offence.
- (4) A person convicted of an offence under this Section, is liable to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 5 years or to both.

85 Marriage of convenience

- (1) A person who contracts or otherwise enters into a marriage:

- (a) knowing or having reason to believe that the purpose of the marriage is to assist one of the parties to the marriage to obtain an immigration advantage; and
- (b) where any gratification whether from a party to the marriage or another person is offered, given or received as an inducement or reward to any party to the marriage for entering into the marriage, commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 5 years or to both.
- (2) A person who aids or abets in arranging a marriage between 2 other persons with the intention of assisting one of the parties to the marriage to obtain an immigration advantage, commits an offence and upon conviction is liable fine not exceeding \$100,000 or to imprisonment for a term not exceeding 10 years or to both.
- (3) This Section shall apply to a marriage entered into by any persons whether in the Republic or outside the Republic.
- (4) In this Section:
 - (a) **‘gratification’** includes:
 - (i) money or any gift, loan, fee, reward, commission, valuable security or other property or interest in property of any description, whether movable or immovable;
 - (ii) any office, employment or contract;
 - (iii) any payment, release, discharge or liquidation of any loan, obligation or other liability whatsoever, whether in whole or in part; and
 - (iv) any other service, favour or advantage of any description whatsoever;
 - (b) **‘immigration advantage’**, in relation to a party to a marriage, means the grant or extension of the validity of any visa, permit or re-entry permit under the *Immigration Act 2014* or the regulations or any order made for that party or for a child or parent of that party.

86 Marriage before persons not registered Marriage Officers

A person who goes through a form or ceremony of marriage with another person knowing that the person solemnising the marriage is not registered to solemnise the marriage, commits an offence and upon conviction is liable to a fine not exceeding \$50,000 or to a term of imprisonment not exceeding 2 years or to both.

87 Offence to solemnise marriage falsely pretending to be Marriage Officer

- (1) No person shall falsely pretend to be a Marriage Officer and solemnise any marriage.
- (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 both.

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.

[s 87A insrt Act 14 of 2020 s 9, opn 23 Oct 2020]

88 Marriage of minors

A person who solemnises, aids or abets the marriage of a person under the age of 18 years 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.

89 Failure to require marriage declaration

A Marriage Officer who solemnises a marriage without requiring the parties to make the declaration referred to in Section 63, 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.

90 Offence for obtaining document

A person who makes a written or oral statement knowing that it is false or being reckless as to whether it is false, for the purpose of obtaining a source document or a copy of a source document or information recorded under this Act, 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.

PART 10 — MISCELLANEOUS

91 Power of Registrar to correct errors

- (1) Where the Registrar discovers or is informed of an error, omission or mis-statement in an entry in a register, he or she may correct the error, omission or mis-statement after making inquiries to:
 - (a) determine whether a registrable event has occurred;
 - (b) collect details of a registrable event; or
 - (c) ensure that there is a correct record of a registrable event.
- (2) Subject to subsection (3), a correction under subsection (1):
 - (a) in the case of the entry of a birth, shall be made in the presence of and attested by a parent of the child;
 - (b) in the case of the entry of a death, shall be made in the presence of and attested by the person who notified the Registrar of the death; and
 - (c) in the case of the entry of a marriage, shall be made in the presence of and attested by the persons who were married.
- (3) Where under subsection (2) a correction is required to be made in the presence of and attested by a person who is dead or absent or who has no knowledge of the truth of the correction, the correction may be made in the presence of and attested by 2 witnesses who have knowledge of the truth of the correction.
- (4) A correction under this Section shall:
 - (a) be made in the margin of the Register opposite to the entry;
 - (b) contain a notation of the date on which the correction was made; and
 - (c) be signed by the Registrar.
- (5) Where a correction is made under this Section, the Registrar shall where practicable:
 - (a) advise any person to whom a certified copy or extract of the entry has been issued containing the error, omission or misstatement which has been corrected of the correction; and
 - (b) if requested by that person, issue to that person without charge, a certified copy or extract of the entry as corrected.

92 Validation

Where an entry of a birth, death or marriage is contained in a register or record of births, deaths or marriages that has been certified under Section 8 and forms part of a Register:

- (a) the birth, death or marriage shall be deemed to have been duly registered;
- (b) the entry shall be deemed to have been made by a person duly appointed to register the birth, death or marriage, as the case may be; and
- (c) in the case of a marriage, the person who officiated at the marriage shall be deemed to have been a person duly appointed for that purpose.

93 Certificates to be *prima facie* evidence

A birth, death or marriage certificate shall in any proceedings be received as *prima facie* evidence of the truth of the information it contains.

94 Electronic Transaction

- (1) Any transaction under this Act may be conducted by electronic means subject to the approval of the Registrar and any conditions that the Registrar thinks fit.
- (2) In allowing a transaction to be conducted electronically, the Registrar may require an electronic scanned copy of a signature be provided.

95 Registrar to inform himself or herself correctly of particulars

- (1) Subject to subsection (3), the Registrar shall, before making an entry in a Register, make such inquiries as he or she thinks necessary to inform himself or herself correctly of the particulars required to be entered.
- (2) A person shall not fail to provide to the Registrar any information which is required of him or her by the Registrar under subsection (1).
- (3) The Registrar may dispense with any of the particulars required to be entered in a Register.

96 Defence where information not furnished

It is a defence to a prosecution for an offence under this Act to fail to provide information to the Registrar if the defendant establishes that the information had not come to the defendant's knowledge.

97 Certificate of no impediment to Nauruan intending foreign marriage

- (1) A person who intends to marry outside the Republic in accordance with the law of another country or jurisdiction may apply to the Registrar for a certificate of no impediment.
- (2) An application shall:
 - (a) be made in the prescribed form;
 - (b) contain the prescribed information; and
 - (c) be accompanied by the prescribed fee.
- (3) On receipt of an application under subsection (1), the Registrar shall carry out any investigation and inquiries he or she considers appropriate and where satisfied, issue the prescribed 'Certificate of No Impediment to Marriage'.

98 Declarations

- (1) A person shall not make a declaration which he or she is required or permitted to make for the purposes of this Act knowing any statement in the declaration to be false.
- (2) A declaration which a person is required or permitted to make for the purposes of this Act may be made before:
 - (a) the Registrar or Deputy Registrar;
 - (b) a Resident Magistrate;
 - (c) a Commissioner for Oaths;
 - (d) a Notary Public;
 - (e) the Registrar of Courts; or
 - (f) a Marriage Officer.

99 Form of information or particulars

Any particulars or information required to be provided to the Registrar shall if the Registrar so determines, be in a form determined by the Registrar.

100 Protection from liability

The Registrar shall not be liable in any suit, action or proceeding including constitutional redress in any court of the Republic or any quasi-judicial or administrative body for anything done in the *bona fide* exercise or the purported exercise of a power or function under this Act.

101 Jurisdiction of the court

The District Court shall have jurisdiction to hear and determine all offences under this Act and, shall have power to impose the penalty or punishment in respect of the offences under this Act.

102 Regulations

- (1) The Cabinet may make regulations prescribing all matters necessary or convenient to be prescribed for giving effect to this Act.
- (2) Without limiting subsection (1), the regulations may provide for:
 - (a) any forms that are required under this Act; and
 - (b) fees for any applications or services that are required to be paid under this Act.

PART 11 — REPEAL, SAVINGS AND TRANSITIONAL

103 **Repeal of Act**

The *Births, Deaths and Marriages Act 1957* is repealed by the provisions of this Act.

104 **Savings and transitional provisions**

Despite the repeal of the *Births, Deaths and Marriages Act 1957* or former legislation, all registrations and certificates under that Act or former legislation remain valid.

SCHEDULE

[Section 67]

Prohibited degrees of consanguinity and affinity

(1) A man shall not marry his:

- (a) Grandmother;
- (b) Grandfather's wife;
- (c) Wife's grandmother;
- (d) Father's sister;
- (e) Father's sister's daughter;
- (f) Father's brother's daughter;
- (g) Mother's sister;
- (h) Mother's sister's daughter;
- (i) Mother's brother's daughter;
- (j) Mother;
- (k) Wife's mother;
- (l) Daughter;
- (m) Wife's daughter;
- (n) Son's wife;
- (o) Sister;
- (p) Son's daughter;
- (q) Daughter's daughter;
- (r) Son's son's wife;
- (s) Daughter's son's wife;
- (t) Wife's son's daughter;
- (u) Wife's daughter's daughter;
- (v) Brother's daughter;
- (w) Sister's daughter;
- (x) Stepmother;
- (y) Stepdaughter; or
- (z) Stepdaughter's daughter.

(2) A woman shall not marry her:

- (a) Grandfather;
- (b) Grandmother's husband;
- (c) Husband's grandfather;
- (d) Father's brother;
- (e) Father's brother's son;
- (f) Father's sister's son;
- (g) Mother's brother;
- (h) Mother's brother's son;
- (i) Mother's sister's son;
- (j) Father;
- (k) Husband's father;
- (l) Son;
- (m) Husband's son;
- (n) Daughter's husband;
- (o) Brother;
- (p) Son's son;
- (q) Daughter's son;
- (r) Son's daughter's husband;
- (s) Daughter's daughter's husband;
- (t) Husband's son's son;
- (u) Husband's daughter's son;
- (v) Brother's son;
- (w) Sister's son;
- (x) Stepfather;
- (y) Stepson; or
- (z) Stepson's son.

- (3) The provisions of this Schedule with respect to any relationship shall apply whether the relationship is by the whole blood or by the half blood and whether the relationship is legitimate or illegitimate and includes adopted persons.
- (4) In this Schedule, unless the context otherwise requires, the term '*wife*' means a former wife whether she is alive or deceased, and whether her marriage was terminated by death or divorce or otherwise; and the term '*husband*' has a corresponding meaning.
- (5) In this Schedule, the relationship between an adopted person and the adoptive parent, or each of the adoptive parents, shall be deemed to be or to have been the natural relationship of child and parent.

Births, Deaths and Marriages Registration (Forms) Regulations 2018

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Title</i>
1	Citation
2	Commencement
3	Application to request for access to registration of birth
4	Application to request for access to registration of death
5	Application to request for access to registration of marriage
6	Notification of birth
7	Notification of birth on aircraft or vessel
8	Notice of Birth
9	Application for registration of birth
10	Birth Certificate
11	Notification of death by Director of Medical Services or health practitioners
12	Certificate notifying a registration of death by the Registrar to Funeral Officers
13	Certificate notifying a registration of death by the Registrar to a person other than Funeral Officer
14	Application for registration of death
15	Notice of Death
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17	Application to marry
18	Notice to Marry
19	Marriage Certificate
20	Declaration of Marriage by Marriage Officer
21	Application for recognition of marriage solemnised in foreign country
22	Application for Certificate of No Impediment to Marriage
23	Certificate of No Impediment to Marriage
24	Consideration of application

SCHEDULE

- FORM 1 — APPLICATION TO REQUEST FOR ACCESS TO
REGISTRATION OF BIRTH
- FORM 2 — APPLICATION TO REQUEST FOR ACCESS TO
REGISTRATION OF DEATH
- FORM 3 — APPLICATION TO REQUEST FOR ACCESS TO
REGISTRATION OF MARRIAGE

Title

- FORM 4 — NOTIFICATION OF BIRTH
- FORM 5 — NOTIFICATION OF BIRTH ON AIRCRAFT OR VESSEL
- FORM 6 — NOTICE OF BIRTH — GAZETTE
- FORM 7 — APPLICATION FOR REGISTRATION OF BIRTH
- FORM 8 — BIRTH CERTIFICATE
- FORM 9 — NOTIFICATION OF DEATH BY DIRECTOR OF
MEDICAL SERVICES OR HEALTH PRACTITIONER
- FORM 10 — CERTIFICATE NOTIFYING REGISTRATION OF DEATH
BY THE REGISTRAR TO THE FUNERAL OFFICIATORS
- FORM 11 — CERTIFICATE NOTIFYING REGISTRATION OF DEATH
BY THE REGISTRAR TO A PERSON OTHER THAN A
FUNERAL OFFICIATOR
- FORM 12 — APPLICATION FOR REGISTRATION OF DEATH
- FORM 13 — NOTICE OF DEATH — GAZETTE
- FORM 14 — DEATH CERTIFICATE
- FORM 15 — APPLICATION TO MARRY
- FORM 16 — NOTICE TO MARRY — GAZETTE
- FORM 17 — MARRIAGE CERTIFICATE
- FORM 18 — DECLARATION OF MARRIAGE
- FORM 19 — APPLICATION FOR THE RECOGNITION OF
MARRIAGE SOLEMNISED IN FOREIGN COUNTRY
- FORM 20 — APPLICATION FOR CERTIFICATE OF NO
IMPEDIMENT TO MARRIAGE
- FORM 21 — CERTIFICATE OF NO IMPEDIMENT TO MARRIAGE

Births, Deaths and Marriages Registration (Forms) Regulations 2018

TABLE OF AMENDMENTS

The Births, Deaths and Marriages Registration (Forms) Regulations 2018 SL 2 was notified on 21 February 2018 and commenced on 1 February 2018.

Amending Legislation	Notified	Date of Commencement
Births, Deaths And Marriages Registration (Forms) (Amendment) Regulations 2019 SL 25	24 August 2019	24 August 2019
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021

The Cabinet makes the following Regulations under Section 102(2)(a) of the *Births, Deaths and Marriages Registration Act 2017*:

1 Citation

These Regulations may be cited as the *Births, Deaths and Marriages Registration (Forms) Regulations 2018*.

2 Commencement

These Regulations are deemed to have commenced on 1 February 2018.

3 Application to request for access to registration of birth

For the purposes of Section 10(d) of the Act, the prescribed form for an application to request access to registration of birth is set out in Form 1 of the Schedule.

4 Application to request for access to registration of death

For the purposes of Section 10(d) of the Act, the prescribed form for an application to request access to registration of death is set out in Form 2 of the Schedule.

5 Application to request for access to registration of marriage

For the purposes of Section 10(d) of the Act, the prescribed form for an application to request access to registration of marriage is set out in Form 3 of the Schedule.

6 Notification of birth

- (1) For the purposes of Section 12 of the Act, the prescribed form for the notification of birth to the Registrar is set out in Form 4 of the Schedule.
- (2) The hospital and health practitioners shall complete the form under regulation (1) and submit to the Registrar the notification within 7 days of the birth of the person.
- (3) The prescribed form or any other form used for the purposes of notification of births prior to the coming into effect of the Act is repealed from 1 February 2018 and shall not be used for any official purposes.

7 Notification of birth on aircraft or vessel

- (1) For the purposes of Section 17 of the Act, the prescribed form for the notification of birth on an aircraft or vessel to the Registrar is set out in Form 5 of the Schedule.
- (2) The parents, guardian, the Captain of the aircraft or the Master of the vessel shall complete the form under subregulation (1) and submit to the Registrar the notification within 28 days from the date of the birth of the person.
- (3) The prescribed form or any other form used for the purposes of notification of births on an aircraft or vessel prior to the coming into effect of the Act is repealed from 1 February 2018 and shall not be used for any official purposes.

8 Notice of Birth

For the purposes of the Act and these Regulations, the Notice of Birth to be published in the Gazette by the Registrar is set out in Form 6 of the Schedule.

9 Application for registration of birth

For the purposes of Section 13 of the Act, the prescribed form for the application for registration of birth is set out in Form 7 of the Schedule.

10 Birth Certificate

For the purposes of the Act and these Regulations, the prescribed Birth Certificate is set out in Form 8 of the Schedule.

11 Notification of death by Director of Medical Services or health practitioners

- (1) For the purposes of Sections 35 and 40 of the Act, the prescribed form for the notification of deaths to the Registrar is set out in Form 9 of the Schedule.
- (2) The Director of Medical Services or health practitioner who notifies the Registrar under Sections 35 and 40 of the Act shall complete the form under subregulation (1) and submit to the Registrar within 7 days from the date of the death of the deceased.
- (3) The prescribed form or any other form used for the purposes of notification of deaths prior to the coming into effect of the Act is repealed from 1 February 2018 and shall not be used for any official purposes.

12 Certificate notifying a registration of death by the Registrar to Funeral Officiators

For the purposes of the Act and these Regulations, the prescribed Certificate notifying a registration of death by the Registrar to a Funeral Officiator is set out in Form 10 of the Schedule.

13 Certificate notifying a registration of death by the Registrar to a person other than Funeral Officiator

For the purposes of the Act and these Regulations, the prescribed Certificate notifying a registration of death by the Registrar to a person other than a funeral officiator is set out in Form 11 of the Schedule.

14 Application for registration of death

- (1) For the purposes of Section 39 of the Act, the prescribed form for an application to register a death is set out in Form 12 of the Schedule.
- (2) The person who has the right to register a death under Section 38 of the Act shall complete the form under regulation (1) and submit to the Registrar within 7 days from the disposal of the human remains.

15 Notice of Death

For the purposes of the Act and these Regulations, the Notice of Death to be published in the Gazette by the Registrar is set out in Form 13 of the Schedule.

16 Death Certificate

For the purposes of the Act and these Regulations, the prescribed Death Certificate is set out in Form 14 of the Schedule.

17 Application to marry

- (1) For the purposes of Section 54 of the Act, the prescribed form for an application to marry is set out in Form 15 of the Schedule.
- (2) The prescribed form or any other form used for the purposes of application to marry prior to the coming into effect of the Act is repealed from 1 February 2018 and shall not be used for any official purposes.

18 Notice to Marry

For the purposes of Sections 55 and 56 of the Act, the Notice to Marry to be published in the Gazette by the Registrar is set out in Form 16 of the Schedule.

19 Marriage Certificate

For the purposes of the Act and these Regulations, the prescribed Marriage Certificate is set out in Form 17 of the Schedule.

20 Declaration of Marriage by Marriage Officer

For the purposes of the Act and these Regulations, the prescribed Declaration of Marriage is set out in Form 18 of the Schedule.

21 Application for recognition of marriage solemnised in foreign country

For the purposes of Section 69(1) of the Act, the prescribed form for an application to the Registrar for the recognition of a marriage of a Nauruan which was solemnised in a foreign country is set out in Form 19 of the Schedule.

22 Application for Certificate of No Impediment to Marriage

For the purposes of Section 97 of the Act, the prescribed form for an application to the Registrar for a Certificate of No Impediment to Marriage is set out in Form 20 of the Schedule.

23 Certificate of No Impediment to Marriage

For the purposes of Section 97 of the Act, the prescribed Certificate of No Impediment to Marriage is set out in Form 21 of the Schedule.

24 Consideration of application

For the purposes of the Act and these Regulations, the Registrar shall consider each application lodged and inform the applicant of the decision within 7 days of the date of the lodgement of the application.

SCHEDULE

FORM 1



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT 2017

APPLICATION TO REQUEST FOR ACCESS TO REGISTRATION OF BIRTH

[Section 10(d); Regulation 3]

Application reference number: / 20

PART 1 – INFORMATION OF THE PERSON REQUESTING ACCESS Surname:..... Given names:..... Address:..... Telephone contact:..... Email:.....
PART 2 – TYPE OF INFORMATION REQUESTED ☐ Birth ☐ Information of person over 75 years ☐ A stillbirth
PART 3 — GROUNDS FOR REQUEST [Section 11(1)] ☐ Applicant in person ☐ Guardian or immediate family ☐ Section 11(4) Brief explanation for the information sought to be accessed:
PART 4 – PERSON AND / OR NATURE OF INFORMATION SOUGHT Surname:..... Given names:..... Date of birth or age:..... Address:..... Name of parents (if known):..... Residing district:.....
PART 5 – DECLARATION BY PERSON REQUESTING ACCESS I..... (name of the person requesting access) confirm that I have been informed that the information sought in this application is protected and privileged. I verify and undertake that the information sought is for the purposes as is stated above and for no other purposes. I will not provide the information supplied or accessed to any other person or persons for any ulterior or unlawful purposes. Signature of applicant:..... Date: / /20 Identification of the applicant - drivers licence / passport / other

PART 6 – OFFICIAL PURPOSES ONLY

- Access to records given to the applicant at District
on / / 20
 - Certified copy of the certificate or information supplied on / / 20
 - This information was provided to..... *(name of recipient)*
by..... *(name of the officer)*.
 - Identification sighted – drivers licence / passport / others
 - Fee paid. Revenue receipt number:.....
- Name of the officer:..... Signature:.....
- Date: / / 20.....

FORM 2



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT 2017

APPLICATION TO REQUEST FOR ACCESS TO REGISTRATION OF DEATH

[Section 10(d); Regulation 4]

Application reference number: / 20

PART 1 – INFORMATION OF THE PERSON REQUESTING ACCESS	
Surname:..... Given names:.....	
Address:..... Telephone contact:.....	
Email:.....	
PART 2 – TYPE OF INFORMATION REQUESTED	
☐ Death	
PART 3 – GROUNDS FOR REQUEST	
☐ Authorised persons (Section 38) ☐ Immediate family	
☐ Death of a person over 20 years or over 75 years of age ☐ Section 11(4)	
Brief explanation for the information sought to be accessed:	
PART 4 – NATURE OF INFORMATION OF THE DECEASED	
Surname:..... Given names:.....	
Date of birth or age:..... Date of death: / /	
Name of parents (<i>if known</i>):.....	
PART 5 – DECLARATION BY PERSON REQUESTING ACCESS	
I..... (<i>name of the person</i>) confirm that I have been informed that the information sought in this application is protected and privileged. I verify and undertake that the information sought is for the purposes as is stated above and for no other purposes. I will not provide the information supplied or accessed to any other person or persons for any ulterior or unlawful purposes.	
Signature of applicant: Date: / /20	
Identification of the applicant - drivers licence / passport / other	
PART 6 — OFFICIAL PURPOSES ONLY	
• Access to records given to the applicant at District on / / 20	
• Certified copy of the certificate or information supplied on / / 20	
• This information was provided to (<i>name of recipient</i>) by (<i>name of the officer</i>).	

- Identification sighted — drivers licence / passport / others

- Fee paid. Revenue receipt number:

Name of the officer: Signature:.....

Date: / / 20

FORM 3



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT 2017

APPLICATION TO REQUEST FOR ACCESS TO REGISTRATION OF MARRIAGE

[Section 10(d); Regulation 5]

Application reference number: / 20

PART 1 – INFORMATION OF THE PERSON REQUESTING ACCESS Surname:..... Given names:..... Address:..... Telephone contact:..... Email:.....
PART 2 – TYPE OF INFORMATION REQUESTED ☐ Marriage
PART 3 – GROUNDS FOR REQUEST [Section 11(3)] ☐ Applicant in person ☐ Immediate family ☐ Marriage over 75 years ☐ Section 11 (4) Brief explanation for the information sought to be accessed:
PART 4 – NATURE OF INFORMATION OF THE MARRIAGE Husband: Surname..... Given names:..... Wife: Surname..... Given names:..... Date of marriage: / / 20 Place of marriage:.....
PART 5 – DECLARATION BY PERSON REQUESTING ACCESS I.....(name of the person) confirm that I have been informed that the information sought in this application is protected and privileged. I verify and undertake that the information sought is for the purposes as is stated above and for no other purposes. I will not provide the information supplied or accessed to any other person or persons for any ulterior or unlawful purposes. Signature of applicant:..... Date: / /20 • Identification of the applicant - drivers licence / passport / other
PART 6 – OFFICIAL PURPOSES ONLY • Access to records given to the applicant at District on / / 20 • Certified copy of the certificate or information supplied on / / 20 • This information was provided to..... (name of recipient) by..... (name of the officer).

• Identification sighted – drivers licence / passport / others
• Fee paid. Revenue receipt number:.....
Name of the officer:..... Signature:.....
Date: / / 20

FORM 4



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT 2017

NOTIFICATION OF BIRTH

[Section 12; Regulation 6]

Notification number: NB / 20

PART 1 – DETAILS OF MOTHER OF CHILD Surname:.....Given names:..... Mother's maiden name <i>(if available)</i>:..... Date of birth: / / Tribe:..... Nationality:.....Registered District:.....
PART 2 – DETAILS OF FATHER OF CHILD<i>(if provided to the hospital voluntarily by the mother)</i> Surname:.....Given names:..... Date of birth: / / Tribe:..... Nationality:.....Registered District:.....
PART 3 – DETAILS OF CHILD / CHILDREN <i>(if multiple births)(if multiple births)</i> Date of birth: / / 20 Place of birth:..... Time of birth:..... <i>(am/pm)</i> Gender of child:..... Birth weight of child:.....
PART 4 – CERTIFICATION BY REGISTERED HEALTH PRACTITIONER / NURSE / MIDWIFE I..... <i>(name of health practitioner / nurse / midwife)</i> to the best of my knowledge, information and belief certify that the information provided in this form are consistent with the information contained in the health records. Date: / / 20 Signature: Designation of the officer:.....
PART 5 – OFFICIAL PURPOSES ONLY • Information given on the / / 20 • Identification of informant sighted – drivers licence / passport / others Name of the officer:.....Signature:..... Date: / / 20

FORM 5



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT 2017

NOTIFICATION OF BIRTH ON AIRCRAFT OR VESSEL

[Section 17(1); Regulation 7]

Notification number: NB / 20

PART 1 – DETAILS OF MOTHER OF CHILD

Surname:.....Given names:.....

Mother's maiden name (if available):.....

Date of birth: / / Tribe:.....

Nationality:..... Registered District:.....

PART 2 – DETAILS OF FATHER (if provided to the Captain or Master voluntarily by the mother)

Surname:.....Given names:.....

Date of birth: / / Tribe:.....

Nationality:..... Registered District:.....

PART 3 — DETAILS OF CHILD / CHILDREN (if twins or more)

Date of birth: / / Place of birth: aircraft / vessel

Flight / Voyage number:.....

Time of birth:..... (am/pm) Gender of child:.....

PART 4 – DETAILS OF INFORMANT

I..... (name of Captain of aircraft / Master of vessel) 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:

Designation of the officer (if Captain of the aircraft / Master of vessel):

.....

PART 5 – OFFICIAL PURPOSES ONLY

• Information given on the / / 20

• Identification of informant sighted – drivers licence / passport / others

Name of the officer:..... Signature:.....

Date: / / 20

FORM 6



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT 2017

NOTICE OF BIRTH — GAZETTE

[Regulation 8]

Gazette Notice No: / 20

TAKE NOTICE that the Registrar for Births, Deaths and Marriages has received the following notification of birth:

- (a) Surname of child:
- (b) Given names of child:
- (c) Date of birth of child: / / 20
- (d) Tribe:
- (e) Nationality:
- (f) Place of birth of child:
- (g) Name of child's mother:
- (h) Registered district of mother:
- (i) Name of child's father:
- (j) Registered district of father:

Date: / / 20. . . .

Registrar of Births, Deaths and Marriages

FORM 7



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT 2017

APPLICATION FOR REGISTRATION OF BIRTH

[Section 13; Regulation 9]

Application Reference number: / 20

PERSONS WHO MAY REGISTER BIRTH

- (a) One or both parents; or
 (b) Where parents not available – a guardian.
 (c) Births shall be registered within 21 days of birth.

PART 1 – DETAILS OF CHILD

Surname:..... Given names:.....
 Date of birth: / /20 Gender:..... Place of birth:.....

PART 2 – PARTICULARS OF MOTHER OF THE CHILD

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

PART 3 – PARTICULARS OF FATHER OF THE CHILD(if married or voluntarily provided by the mother with the consent of the father)

Surname:..... Given names:.....
 Date of birth / age:.....
 Tribe:..... Registered district:.....
 Nationality:..... Occupation:.....
 Telephone contact:..... Email:.....

PART 4 – DETAILS OF MARRIAGE OF PARENTS OF THE CHILD(if married)

Date of marriage: / / Place of marriage:.....
 Note: You shall submit a copy of the marriage certificate.

PART 5 – DETAILS OF INFORMANT

Surname:..... Given names:.....
 Address:..... Phone 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	
<u>PART 6 – OFFICIAL PURPOSES ONLY</u>	
• 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 / others • Fee paid. Revenue receipt number:.....	
Birth certificate issued on: / / 20 Taken by:.....	
Date: / / 20	
.....	
Registrar of Births, Deaths and Marriages	

FORM 8



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT 2017

BIRTH CERTIFICATE

[Regulation 10]

Registration Number: / 20

1. <u>CHILD</u>	Surname: Given names: Date of birth: Gender: Place of birth: Tribe: Nationality:	
2. <u>MOTHER OF THE CHILD</u>	Surname: Given names: Maiden name: Age: Occupation: Tribe: Nationality: Registered District:	
3. <u>FATHER OF THE CHILD</u>	Surname: Given names: Age: Occupation: Tribe: Nationality: Registered District:	
4. <u>MARRIAGE OF PARENTS</u>	Date of marriage: Place of marriage:	
5. <u>INFORMANT</u>	Name:	

Address:	
REGISTRAR I hereby certify that the above particulars relating to the registration of Birth are contained in the Register kept in the Registry in the Republic of Nauru. Given under my hand and seal this..... day of..... 20. Registrar of Births, Deaths and Marriages	

[Form 8 subst SL 25 of 2019 reg 4, opn 24 Aug 2019]

FORM 9



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT 2017

NOTIFICATION OF DEATH BY DIRECTOR OF MEDICAL SERVICES OR HEALTH PRACTITIONER

[Sections 35; Regulation 11(1)]

Notification number: ND / 20

PART 1 — DETAILS OF DECEASED	
Surname:..... Given names:.....	
Date of birth / age:..... Gender:.....	
Address:..... Nationality:..... Tribe:.....	
Date of death: / / 20 Cause of death:.....	
Place of death:..... Time of death:..... (am/pm)	
PART 2 – DETAILS BY HEALTH PRACTITIONER	
(I) Disease or condition directly leading to death a. due to (or as a consequence of) Antecedent causes Morbid conditions, if any, giving rise to the above cause, stating the underlying condition last b. c. due to (or as a consequence of)	Approximate interval between onset and death
(II) Other significant conditions contributing to the death but condition causing it • <i>This does not mean the mode of dying e.g heart failure, respiratory failure. It means the disease, injury or complication that caused death.</i>	
PART 3 – CERTIFICATION BY HEALTH PRACTITIONER	

I..... (*name of health practitioner*) to the best of my knowledge, information and belief certify that the information provided in this form are consistent with the information contained in the health records.

Date: / / 20

Signature:.....

Designation of the officer:.....

FORM 10



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT 2017

**CERTIFICATE NOTIFYING REGISTRATION OF DEATH BY THE REGISTRAR TO
THE FUNERAL OFFICIATORS**

[Regulation 12]

Folio Number: / 20

PART 1

• *To be completed by the Registrar prior to the burial or cremation of a deceased person.*

I, Registrar of Births, Deaths and Marriages in the Republic of Nauru, do hereby certify the death of:

Name of deceased:

Gender:

Date of birth / Age:

Place of deceased:

Given under my hand this day of 20.

PART 2

• *To be completed by the person officiating the burial or cremation.*

• *To be witnessed by 2 witnesses.*

• *This form shall be submitted to the Registrar within 7 days of the burial or cremation.*

I, funeral officiator declare that I have officiated the burial / cremation of the undermentioned deceased:

Name of deceased:

Gender:

Date of birth / Age:

Place of deceased:

Declared on this day of 20

Name of witness: Address of witness:

Name of witness: Address of witness:

PART 3 - OFFICIAL PURPOSES

Date form issued by the Registrar: / / 20

Form received by: / / 20

Burial / cremation conducted on: / / 20

Date form submitted to Registrar: / / 20

Receiving officer:

..... Date: / / 20

Registrar of Births, Deaths and Marriages

FORM 11



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT 2017

**CERTIFICATE NOTIFYING REGISTRATION OF DEATH BY THE REGISTRAR TO A
PERSON OTHER THAN A FUNERAL OFFICIATOR**

[Regulation 13]

Folio Number: / 20

PART 1

• *To be completed by the Registrar prior to the burial or cremation of a deceased person.*

I, Registrar of Births, Deaths and Marriages in the Republic of Nauru, do hereby certify the death of:

Name of deceased:

Gender:

Date of birth / Age:

Place of deceased:

Given under my hand this day of 20.

PART 2

• *To be completed by the person officiating the burial or cremation.*

• *To be witnessed by 2 witnesses.*

• *This form shall be submitted to the Registrar within 7 days of the burial or cremation.*

I, declare that I conducted the burial / cremation of the undermentioned deceased:

Name of deceased:

Gender:

Date of birth / Age:

Place of deceased:

Declared on this day of 20

Name of witness: Address of witness:

Name of witness: Address of witness:

PART 3 - OFFICIAL PURPOSES

Date form issued by the Registrar: / / 20

Form received by: / / 20

Burial / cremation conducted on: / / 20

Date form submitted to Registrar: / / 20

Receiving officer:

..... Date: / / 20

Registrar of Births, Deaths and Marriages

FORM 12



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT 2017

APPLICATION FOR REGISTRATION OF DEATH

[Section 39; Regulation 14]

Application Reference number: RD / 20

PERSONS WHO MAY REGISTER DEATHS (a) spouse of the deceased; (b) adult child of the deceased; (c) parents of the deceased; (d) adult sibling of deceased; (e) where deceased is a minor or still born child, parents or guardians; or (f) any person who knew or as living with deceased where there are no persons described in subparagraphs (a) to (e)
PART 1 - DETAILS OF DECEASED Surname: Given names: Age: Gender: Address: Nationality: Tribe: Date of death: / /20 Place of death. Date of burial / cremation: / /20.
PART 2 - DETAILS OF APPROVED PERSON OFFICIATING THE FUNERAL SERVICE Name of person officiating funeral service: Address: Denomination (if religious minister): Telephone contact: Email:
PART 3 - DETAILS OF PERSON REGISTERING THE DEATH Surname: Given names: Address: Phone contact: Email: Occupation: Relationship to deceased: I, (name of person registering death) 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 4 - OFFICIAL PURPOSES ONLY This office will not accept lodgement of this form if it is not completed in full.

- Application received on: / / 20
- Application received by officer:.....
- Fee paid. Revenue receipt number:.....
- Death certificate issued on: / / 20
- Death certificate given to:.....
- Identification sighted — drivers licence / passport / others
..... Date: / / 20

Registrar of Births, Deaths and Marriages

FORM 13



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT 2017

NOTICE OF DEATH — GAZETTE

[Regulation 15]

Gazette Notice No: / 20

TAKE NOTICE that the Registrar for Births, Deaths and Marriages has received the following death notification:

- (a) Surname of deceased:
- (b) Given names of deceased:
- (c) Age:
- (d) Tribe:
- (e) Nationality:
- (f) Registered district:

Date: / / 20. . . .

Registrar of Births, Deaths and Marriages

FORM 14



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT 2017

DEATH CERTIFICATE

[Regulation 16]

Registration Number: / 20

PART 1 - DETAILS OF DECEASED Surname:..... Given names:..... Age:..... Gender:..... Address:..... Address:..... Nationality:..... Tribe:..... Date of death: / /20 Place of death:..... Date of burial / cremation: / /20 To whom married (<i>if applicable</i>):..... Occupation:.....
PART 2 - NUMBER OF ISSUES OF DECEASED Males:..... Female:.....
PART 3 - DETAILS OF MOTHER OF DECEASED Surname:..... Given names:..... Maiden name (<i>if applicable</i>):.....
PART 4 - DETAILS OF FATHER OF DECEASED Surname:..... Given names:.....
PART 5 — REGISTRAR I hereby certify that the above particulars relating to the registration of Death are contained in the Register kept in the Office in the Republic of Nauru. Given under my hand and seal this..... day of..... 20..... Registrar of Births, Deaths and Marriages

FORM 15



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT 2017

APPLICATION TO MARRY

[Section 54; Regulation 17(1)]

Application Reference number: MA / 20

The application shall be accompanied by:

- Birth certificate of persons intending to marry;
- Identification to the satisfaction of the Registrar;
- If divorced, an order of dissolution of marriage from the court;
- Visa status if foreigner;
- In case of widow or widower, death certificate of the deceased spouse.

PART 1 - DETAILS OF INTENDED BRIDE

Surname: Given names:
 Date of birth: / / Place of residence: Tribe:
 District: Nationality: Marital status:

PART 2 - DETAILS OF INTENDED GROOM

Surname: Given names:
 Date of birth: / / Place of residence: Tribe:
 District: Nationality:
 Marital status:

PART 3 - WEDDING DETAILS

Date of engagement to marry: / / 20
 Date of intended marriage: / / 20
 Proposed place of solemnisation of marriage.
 Name of marriage officer to solemnise
 marriage:
 Names and addresses of 2 witnesses for the marriage:

 We,
 and,, the applicants do hereby notify
 our intention to marry and further declare that the information contained in this form is true
 to the best of our knowledge, information and belief.
 Date: / / 20

Signature of Intended Bride

..... Date: / / 20 Signature of Intended Groom
<u>PART 4</u> ENDORSEMENT BY THE RESPONSIBLE MINISTER UNDER SECTION 54(3) OF THE ACT Pursuant to the powers vested in me and in consultation with the Cabinet I hereby endorse / decline the Application to Marry. Date: / / 20 Minister Seal of the Minister:
<u>PART 5</u> I in the presence of the witnesses hereto do take you (name of the bride) to be my lawfully wedded wife. Signature:..... I in the presence of the witnesses hereto do take you (name of the groom) to be my lawfully wedded husband. Signature:.....
<u>PART 6 - DETAILS OF 2 WITNESSES</u> Surname:..... Given names:..... Address:..... Surname:..... Given names:..... Address:.....
<u>PART 7 - DECLARATION BY MARRIAGE OFFICER</u> Pursuant to the powers conferred upon me by the <i>Births, Deaths and Marriages Registration Act 2017</i> I now pronounce you to be husband and wife. Name of marriage officer:..... Signature of marriage officer:..... Place where marriage solemnised:..... Date: / / 20
<u>PART 8 - DECLARATION OF SOLEMNISATION OF MARRIAGE BY MARRIAGE OFFICER</u> I of , marriage officer declare that on. . . . day of. . . . 20, I solemnised the marriage between. and. at. District. Date: / / 20 Signature of marriage officer
<u>PART 9 - OFFICIAL PURPOSES ONLY</u> • This office will not accept lodgement of this form if it is not completed in full. • Date of application: / / 20 • Date application submitted to Minister: / / 20 • Date of decision of the Minister: / / 20 • Date of the gazetting of the application to marry: / / 20 • Date of receipt of any objections to marriage: / / 20

- Date of the solemnisation of the marriage: / / 20
 - Identification sighted — drivers licence / passport / others
 - Fee paid. Revenue receipt number.
 - Application received by officer:.....
- Date: / / 20

Registrar of Births, Deaths and Marriages

FORM 16



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT 2017

NOTICE TO MARRY — GAZETTE

[Sections 55 and 56; Regulation 18]

Gazette Notice No: / 20

TAKE NOTICE that the Registrar for Births, Deaths and Marriages has received the following application for marriage:

- (a) Intended bride:.....
- (b) Intended bridegroom:.....
- (c) Date of engagement: / / 20.....
- (d) Date of proposed marriage: / / 20.....
- (e) Place of proposed marriage:.....
- (f) The proposed marriage has been approved by the Minister in consultation with the Cabinet on the: / / 20.....

A person may lodge an objection to the marriage with the Registrar within 5 days of the publication of this Notice. The Notice shall contain:- name, address, telephone contact and email of the person objecting and the grounds for such objection.

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

Registrar of Births, Deaths and Marriages

FORM 17



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT 2017

MARRIAGE CERTIFICATE

[Regulation 19]

Registration Number: MC / 20

<u>DETAILS OF HUSBAND</u> Surname:..... Given names:..... Tribe:..... District:..... Nationality:..... Occupation:.....	<u>DETAILS OF WIFE</u> Surname:..... Given names:..... Tribe:..... District:..... Nationality:..... Occupation:.....
<u>DETAILS OF PARENTS — Husband</u> Father's name:..... Occupation:..... Mother's name:..... Occupation:.....	<u>DETAILS OF PARENTS — Wife</u> Father's name:..... Occupation:..... Mother's name:..... Occupation:.....
<u>DETAILS OF WITNESS 1</u> Surname:..... Given names:.....	<u>DETAILS OF WITNESS 2</u> Surname:..... Given names:.....
<u>DETAILS OF MARRIAGE OFFICER</u> Name of Marriage Officer:..... Date on which marriage was solemnised: / / 20 Place where marriage solemnised:.....	
<u>REGISTRAR</u> I hereby certify that the above particulars relating to the registration of Marriage are contained in the Register kept in the Office in the Republic of Nauru. Given under my hand and seal this. day of. 20. Registrar of Births, Deaths and Marriages	

FORM 18



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT 2017

DECLARATION OF MARRIAGE

[Regulation 20]

Registration Number: MD / 20

<i>This form shall be submitted by the Marriage Officer to the Registrar within 7 days of the marriage.</i>	
<u>DETAILS OF HUSBAND</u> Surname: Given names: Tribe: District: Nationality: Occupation:	<u>DETAILS OF WIFE</u> Surname: Given names: Tribe: District: Nationality: Occupation:
<u>DETAILS OF PARENTS — Husband</u> Father's name: Occupation: Mother's name: Occupation:	<u>DETAILS OF PARENTS — Wife</u> Father's name: Occupation: Mother's name: Occupation:
I, in the presence of the witnesses hereto do take you, (name of the bride) to be my lawfully wedded wife. Signature:	I, in the presence of the witnesses hereto do take you, (name of the groom) to be my lawfully wedded husband. Signature:
<u>DETAILS OF WITNESS 1</u> Surname: Given names:	<u>DETAILS OF WITNESS 2</u> Surname: Given names:
<u>DECLARATION BY MARRIAGE OFFICER</u> Pursuant to the powers conferred upon me by the <i>Births, Deaths and Marriages Registration Act 2017</i> I now pronounce you to be husband and wife. Name of Marriage Officer: Signature of Marriage Officer: Place where marriage solemnised: Date: / / 20	
<u>OFFICIAL PURPOSES ONLY</u>	

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

.....

Date: / / 20

Registrar of Births, Deaths and Marriages

FORM 19



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT 2017

APPLICATION FOR THE RECOGNITION OF MARRIAGE SOLEMNISED IN FOREIGN COUNTRY

[Section 69(1); Regulation 21]

Application Reference number: / 20

WHO MAY APPLY	
- A Nauruan may apply. - Marriage certificate of persons intending to apply for recognition of marriage solemnised in foreign country. - Identification to the satisfaction of the Registrar.	
<u>DETAILS OF HUSBAND</u> Surname:..... Given names:..... Date of birth: / / Tribe:..... District:..... Nationality:..... Occupation:.....	<u>DETAILS OF WIFE</u> Surname:..... Given names:..... Date of birth: / / Tribe:..... District:..... Nationality:..... Occupation:.....
<u>PARTICULARS OF MARRIAGE</u> Date on which marriage was solemnised: / / Place of solemnisation of marriage:..... Country of solemnisation of marriage:..... Name and address of Marriage Officer who solemnised marriage: Name and address of witnesses to the marriage:	
<u>DECLARATION BY APPLICANTS</u> We, and <i>(the applicants)</i> of (address) certify that the information provided, is to the best of our knowledge and belief, true and correct for registration purposes. Signature of husband Date: / / 20 Signature of wife Date: / / 20	

OFFICIAL PURPOSES ONLY

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

Date: / / 20

.....

Registrar of Births, Deaths and Marriages

FORM 20



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT 2017

APPLICATION FOR CERTIFICATE OF NO IMPEDIMENT TO MARRIAGE

[Section 97; Regulation 22]

Application Reference number: / 20

The application shall be accompanied by:

- Birth certificate of persons intending to marry;
- Identification to the satisfaction of the Registrar;
- If divorced, an order of dissolution of marriage from the court;
- Visa status if foreigner;
- In case of widow or widower, death certificate of the deceased spouse.

APPLICANT TO COMPLETE

Surname: Given names:

Date of birth: / / Country of citizenship:

Occupation: Are you and intended bride / groom related?:

Father's name: Mother's name:

Name of country of intended marriage:

Date of intended marriage in foreign country: / / 20

DECLARATION BY APPLICANT

I do solemnly and sincerely declare that the above information is correct and that I believe that there is no legal impediment to the marriage by reason of:

- (a) my being lawfully married to some other person;
- (b) my being within a prohibited relationship;
- (c) a lack of real consent to the marriage on my part because:
 - (i) it was obtained by duress or fraud;
 - (ii) of mistaken identity of the other party or as to the nature of the ceremony performed;
 - (iii) of mental incapacity understanding the nature and effect of the marriage ceremony;
 or
- (d) my not being of marriageable age.

..... Date: / / 20

Signature

OFFICIAL PURPOSES ONLY

- This office will not accept lodgement of this form if it is not completed in full.
- Application received by officer:
- Application received on: / / 20

- Identification sighted — drivers licence / passport / others
- Fee paid. Revenue receipt number:

Certificate of no impediment issued on: / / 20

Taken by:.....

Date: / / 20

.....
Registrar of Births, Deaths and Marriages

FORM 21



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT 2017

CERTIFICATE OF NO IMPEDIMENT TO MARRIAGE

[Regulation 23]

Folio No: / 20

I certify that..... (name of applicant) a Nauruan citizen
was born at..... (place of birth) on..... of.....
(date of birth).

According to the Births, Deaths and Marriages record of the Republic of
Nauru,..... (name of applicant) there is no impediment to the
solemnisation of marriage.

Given under my hand and seal this day of 20.

.....
Registrar of Births, Deaths and Marriages

Births, Deaths and Marriages Registration (Change of Name) Regulations 2018

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Title</i>
1	Citation
2	Commencement
3	Application of Regulations
4	Application for change of name by deed poll by person who has attained the age of 18 years
5	Application for change of name by deed poll of a child under the age of 18 years
6	Form of deed poll for a person who has attained the age of 18 years
7	Form of deed poll for a child under the age of 18 years
8	Declaration of a person who has attained the age of 18 years
9	Declaration of parents of a child under the age of 18 years
10	Birth certificate to be issued
11	Change of name to be notified in Gazette
12	Form of notice in Gazette
	SCHEDULE — FORMS
	FORM 1 — APPLICATION FOR CHANGE OF NAME OF A PERSON WHO HAS ATTAINED THE AGE OF 18 YEARS
	FORM 2 — APPLICATION FOR CHANGE OF NAME OF A CHILD UNDER THE AGE OF 18 YEARS
	FORM 3 — DEED POLL FOR A PERSON WHO HAS ATTAINED THE AGE OF 18 YEARS
	FORM 4 — DEED POLL FOR CHANGE OF NAME OF A CHILD UNDER THE AGE OF 18 YEARS
	FORM 5 — DECLARATION BY PERSON WHO HAS ATTAINED THE AGE OF 18 YEARS
	FORM 6 — DECLARATION BY APPLICANT(S) FOR CHANGE OF NAME OF CHILD UNDER THE AGE OF 18 YEARS
	FORM 7 — BIRTH CERTIFICATE
	FORM 8 — NOTIFICATION OF CHANGE OF NAME

Births, Deaths and Marriages Registration (Change of Name) Regulations 2018

TABLE OF AMENDMENTS

The Births, Deaths and Marriages Registration (Change of Name) Regulations 2018 SL 4 was notified and commenced on 27 March 2018 (GN No 212/2018; Gaz 41/2018).

Amending Legislation	Notified	Date of Commencement
Births, Deaths and Marriages Registration (Change of Name) Regulations 2019 SL 22	24 August 2019	24 August 2019
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021

The Cabinet makes the following Regulations under Sections 22(7) and 102 of the *Births, Deaths and Marriages Registration Act 2017*

1 Citation

These Regulations may be cited as the *Births, Deaths and Marriages Registration (Change of Name) Regulations 2018*.

2 Commencement

These Regulations commence on the day they are notified in the Gazette.

3 Application of Regulations

These Regulations apply to any person born and registered in the Republic.

4 Application for change of name by deed poll by person who has attained the age of 18 years

For the purposes of Section 22(1) of the Act, the prescribed form for an application for change of name by a person who has attained the age of 18 years by deed poll is set out in Form 1 of the Schedule.

5 Application for change of name by deed poll of a child under the age of 18 years

For the purposes of Section 22(2) of the Act, the prescribed form for an application for change of name of a child under the age of 18 years by deed poll is set out in Form 2 of the Schedule.

6 Form of deed poll for a person who has attained the age of 18 years

For the purposes of Section 22(4)(b) of the Act, the form of a deed poll for a person who has attained the age of 18 years is set out in Form 3 of the Schedule.

7 Form of deed poll for a child under the age of 18 years

For the purposes of Section 22(4)(b) of the Act, the form of a deed poll for a change of name for a child under the age of 18 years is set out in Form 4 of the Schedule.

8 Declaration of a person who has attained the age of 18 years

The form for the declaration by a person to be included in his or her application for change of name is set out in Form 5 of the Schedule.

9 Declaration of parents of a child under the age of 18 years

The form for the declaration by the parents to be included in the application to change the name of a child under the age of 18 years is set out in Form 6 of the Schedule.

10 Birth certificate to be issued

The Registrar shall issue a birth certificate in Form 7 of the Schedule to a person whose application to change his or her name is accepted and registered.

[reg 10 subst SL 22 of 2019 reg 4, opn 24 Aug 2019]

11 Change of name to be notified in Gazette

For the purposes of Sections 22 and 23 of the Act, the Registrar on registering a change of name shall cause to notify such change of name in the Gazette.

12 Form of notice in Gazette

A notice required under Regulation 11 shall be in the form set out in Form 8 of the Schedule.

[reg 12 am SL 22 of 2019 reg 5, opn 24 Aug 2019]

**SCHEDULE
FORMS**

FORM 1



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT 2017

**APPLICATION FOR CHANGE OF NAME OF A PERSON WHO HAS ATTAINED THE
AGE OF 18 YEARS**

[Section 22; Regulation 4]

Note: A change of name will require amendments to other documents issued by the Registry including a marriage certificate and birth certificates of children.

Application reference number: CN...../20....

PART 1 - DETAILS OF APPLICANT

Surname:..... Given names:.....
Gender:..... Date of birth: / /
Place of birth:..... Tribe:.....
Nationality:..... District:.....
Marital status:..... Residential address:.....
Telephone contact:..... Email:.....
Identification sighted: passport/drivers' licence/other:.....

PART 2 - PROPOSED NEW NAME

Surname:..... Given names:.....

PART 3 - REASON FOR NAME CHANGE

.....
.....
.....
.....

PART 4 — SUPPORTING DOCUMENTS REQUIRED:

Please submit copies of the following documents with this application:

☐ Deed poll contained in Form 4;

- ☐ Certified copy of birth certificate;
- ☐ Certified copy of an identification document;
- ☐ Certified copy of the biodata page of passport (*if applicable*);
- ☐ A statutory declaration contained in Form 5.

PART 5 - OFFICIAL PURPOSES ONLY

- ☐ Application submitted by..... (name of applicant) on.....
of..... 20.....
 - ☐ Certified copy of Birth certificate
 - ☐ Identification sighted — drivers' licence / passport / other.....
 - ☐ Deed poll
 - ☐ Declaration
 - ☐ Application received by officer:..... Date: / / 20
 - ☐ Fee paid. Revenue receipt No:.....
- Name of the officer:..... Signature:.....
Date: / / 20

FORM 2



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT 2017

APPLICATION FOR CHANGE OF NAME OF A CHILD UNDER THE AGE OF 18 YEARS

[Section 22(2); Regulation 5]

NOTE:

- (i) A change of name will require amendment to the birth certificate issued by the Registrar for the child who is the subject of this application;
- (ii) One or both parents of a child may apply for a change of name of the child.

Application reference number: CN...../20....

<u>PART 1 — DETAILS OF APPLICANT</u> Name of applicant: Gender: Residential address: Relationship to the child:	
<u>PART 2 — DETAILS OF MOTHER</u> Surname: Given names: Date of birth: / / Place of birth: Tribe: Nationality: District: Marital status: Residential address: Telephone contact: Email:	<u>DETAILS OF FATHER (if applicable)</u> Surname: Given names: Date of birth: / / Place of birth: Tribe: Nationality: District: Marital status: Residential address: Telephone contact: Email:
<u>PART 3 — DETAILS OF CHILD</u> Surname: Given names: New name(s): Gender: Date of birth: / / Place of birth: Tribe: Nationality: District:	
<u>PART 4 — REASON FOR NAME CHANGE</u>	

PART 5 — SUPPORTING DOCUMENTS REQUIRED

Please submit copies of the following documents with this application:

- ☐ Deed poll contained in Form 4;
- ☐ Certified copy of child's birth certificate;
- ☐ Certified copy of an identification document of the Applicant;
- ☐ Certified copy of the biodata page of passport (*if applicable*);
- ☐ A statutory declaration contained in Form 6.

PART 6 — OFFICIAL PURPOSES ONLY

☐ Application submitted by..... (name of applicant) on.....
of..... 20.....

- ☐ Certified copy of the child's birth certificate;
- ☐ Marriage Certificate of parents (if applicable);
- ☐ Applicant's identification sighted – drivers' licence / passport / other;
- ☐ Deed poll;
- ☐ Declaration;
- ☐ Fee paid. Revenue receipt No:.....

Name of the officer:..... Signature:.....

Date: / / 20....

FORM 3



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT 2017

DEED POLL FOR A PERSON WHO HAS ATTAINED THE AGE OF 18 YEARS

[Section 22(4)(b); Regulation 6]

CN. /20.

THIS CHANGE OF NAME DEED made this [DAY] day of [MONTH] 20..... by me,..... of..... District,..... (OCCUPATION),..... years of age, holder of birth certificate/marriage certificate do absolutely renounce and abandon the use of my registered name..... and substitute in its place and assume from the date hereof the name of.....

NOW THIS DEED WITNESSES AND IT IS HEREBY DECLARED as follows:

1. I formally and absolutely surrender, renounce, relinquish and abandon the use of my former name of **[INSERT OLD NAME]** (“**former name**”) and assume, adopt, embrace and determine to take and use exclusively as from the date of this Deed the name of **[INSERT NEW FULL NAME]** (“**new name**”) in substitution for my former name of **[INSERT OLD FULL NAME]**.
2. I shall at all times hereafter in all records, deeds, documents and other writings and in all actions, causes and proceedings as well as in all dealings, steps, transactions and things and on all occasions and circumstances whatsoever use and subscribe the new name in substitution for my former name so relinquished as aforesaid to the intent that I may hereafter be known, called and identified by the new name instead of my former name which is renounced.
3. I authorise and require all persons at all times to identify, describe and address me by my new name.

SIGNED as a **DEED AND DELIVERED** by)

the above-named (**FULL NAME**) in the).
presence of:

.....

BARRISTER AND SOLICITOR/COMMISSIONER FOR OATHS

FORM 4



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT 2017

DEED POLL FOR CHANGE OF NAME OF A CHILD UNDER THE AGE OF 18 YEARS

[Section 22; Regulation 7]

CN...../20....

THIS CHANGE OF NAME DEED made this [DAY] day of [MONTH] 20.... by me/us the undersigned (**INSERT FULL NAME OF PARENT(S)**) of (**ADDRESS**) on behalf of my [son/daughter] [**INSERT NEW FULL NAME OF CHILD**] formerly called or known as [**INSERT OLD FULL NAME OF CHILD**].

NOW THIS DEED WITNESSES AND IT IS HEREBY DECLARED as follows:

1. On behalf of my/our said [son/daughter] I/we formally and absolutely surrender, renounce, relinquish and abandon the use of [his/her] former name of [**INSERT OLD NAME OF CHILD**] ("former name") and assume, adopt, embrace and determine to take and use exclusively as from the date of this Deed the name of [**INSERT NEW FULL NAME OF CHILD**] ("new name") in substitution for [his/her] former name of [**INSERT OLD FULL NAME OF CHILD**].
2. On behalf of my/our said [son/daughter] I/we shall at all times hereafter in all records, deeds, documents and other writings and in all actions, causes and proceedings as well as in all dealings, steps, transactions and things and on all occasions and circumstances whatsoever use and subscribe the new name in substitution for [his/her] former name so relinquished as aforesaid to the intent that [he/she] may hereafter be known, called and identified by the new name instead of [his/her] former name which is renounced.
3. On behalf of my/our said [son/daughter] I/we authorise and require all persons at all times to identify, describe and address my [son/daughter] by [his/her] new name.

SIGNED as a **DEED AND DELIVERED** by)

the above-named (**FULL NAME(S) OF PARENT(S)**)).....

on behalf of the above named [**INSERT NEW FULL NAME OF CHILD**] in the presence of:).....

)

.....
BARRISTER AND SOLICITOR/COMMISSIONER FOR OATHS

FORM 5



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT 2017

DECLARATION BY PERSON WHO HAS ATTAINED THE AGE OF 18 YEARS

[Regulation 8]

CN. /20.

I, (*name of applicant*) of (*address of applicant*), do solemnly and sincerely declare that –

1. I am the applicant and the person described in the(*birth/marriage certificate*).
2. I annex herewith a copy of a deed poll duly executed by me.
3. I intend to change my name from(*current name*) to(*new name*).
4. I have no criminal conviction or any pending case before any court of law in the Republic of Nauru or elsewhere.
5. I intend to change my name for the following reason(s):
6. To the best of my knowledge, information and belief, I have not been deported from any country.
7. I have no ulterior or fraudulent motive to change my name other than the reason stated in paragraph 5.

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

DECLARED before me on)
this. day
of. 20. and I certify).
that the
contents herein were read over and explained)
by me to the Applicant in)
the.
language and the Applicant appeared to)
understand the meaning and effect thereof.

.....

BARRISTER AND SOLICITOR/COMMISSIONER FOR OATHS

Note:

- (i) Any person making a false statement in a statutory declaration is guilty of an offence under the *Oaths, Affirmation and Statutory Declarations Act 1976* and is liable to imprisonment for 5 years.
- (ii) In the case of any deportation order made, please provide details for consideration by the Registrar.

FORM 6



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT 2017

DECLARATION BY APPLICANT(S) FOR CHANGE OF NAME OF CHILD UNDER
THE AGE OF 18 YEARS

[Regulation 9]

CN. /20.

I/We, (name of applicant(s)) of (address of applicant(s)), do solemnly and sincerely declare that –

1. I/We am/are the applicant(s) and the person(s) described in the(birth/marriage certificate(s)).
2. I/We annex herewith a copy of a deed poll duly executed by me/us.
3. I/We intend to change my/our child's name from(current name) to(new name).
4. I/We have no criminal conviction or any pending case before any court of law in the Republic of Nauru or elsewhere.
5. I/We intend to change my/our child's name for the following reason(s):
6. To the best of my/our knowledge, information and belief, my/our child has not been deported from any country.
7. I/We have no ulterior or fraudulent motive to change my/our child's name other than the reason stated in paragraph 5.

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

DECLARED before me on)
this. day
of. 20. and I certify)
that the
contents herein were read over and explained)
by me to the Applicant in)
the.
language and the Applicant appeared to)
understand the meaning and effect thereof.

.....

BARRISTER AND SOLICITOR/COMMISSIONER FOR OATHS

Note:

- (i) Any person making a false statement in a statutory declaration is guilty of an offence under the *Oaths, Affirmation and Statutory Declarations Act 1976* and is liable to imprisonment for 5 years.
- (ii) In the case of any deportation order made, please provide details for consideration by the Registrar.

FORM 7



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT 2017

BIRTH CERTIFICATE

[Regulation 10]

Registration Number: / 20

1. <u>CURRENT NAME</u>	Surname: Given names:
2. <u>CHILD</u>	<i>NAME AT BIRTH</i> Surname: Given names: Date of birth: Gender: Place of birth: Tribe: Nationality:
3. <u>MOTHER OF THE CHILD</u>	Surname: Given names: Maiden name: Age: Occupation: Tribe: Nationality: Registered District:
4. <u>FATHER OF THE CHILD</u>	Surname: Given names: Age: Occupation: Tribe: Nationality: Registered District:
5. <u>MARRIAGE OF PARENTS</u>	

Date of marriage: Place of marriage:	
6. <u>INFORMANT</u> Name: Address:	
<u>REGISTRAR</u> I hereby certify that the above particulars relating to the registration of Birth are contained in the Register kept in the Registry in the Republic of Nauru. Given under my hand and seal this. day of. 20. Registrar of Births, Deaths and Marriages	

NOTE: THE BACK OF THIS DOCUMENT CONTAINS A HISTORY OF CHANGES OF NAME AND CORRECTIONS.

[Form 7 insrt SL 22 of 2019 reg 6, opn 24 Aug 2019]

FORM 8



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT 2017

NOTIFICATION OF CHANGE OF NAME

[Regulation 12]

NOTICE is hereby given that a Deed Poll dated. of. 20. and registered in the Registry of Births, Deaths and Marriages on. of 20. I, of , (MALE/FEMALE), (SINGLE/MARRIED), , abandoned the name of and assumed the name of.
--

[Form 8 renum SL 22 of 2019 reg 6, opn 24 Aug 2019]

Births, Deaths and Marriages Registration (Registration of Adoptions) Regulations 2019

TABLE OF PROVISIONS

Regulation

Title

1	Citation
2	Commencement
3	Notice of adoption order
4	Register of Adoptions
5	Request for information
6	Fee
	SCHEDULE 1 — FORMS
	FORM 1 — NOTICE OF ADOPTION ORDER
	FORM 2 — REGISTER OF ADOPTIONS
	FORM 3 — APPLICATION FOR A REQUEST FOR INFORMATION OR INSPECTION OF THE REGISTER OF ADOPTIONS
	SCHEDULE 2 — FEE

Births, Deaths and Marriages Registration (Registration of Adoptions) Regulations 2019

TABLE OF AMENDMENTS

The Births, Deaths and Marriages Registration (Registration of Adoptions) Regulations 2019 SL 23 was notified and commenced on 24 August 2019 (GN No 629/2019; Gaz 151/2019).

Amending Legislation	Notified	Date of Commencement
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021

The 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 Adoptions) Regulations 2019*.

2 Commencement

These Regulations come into effect on the day they are notified in the Gazette.

3 Notice of adoption order

For the purpose of Section 27(1) of the Act, the prescribed form for a notice to the Registrar of Births, Deaths and Marriages of an adoption order by the Resident Magistrate is in Form 1 of Schedule 1.

4 Register of Adoptions

For the purpose of Part 4 of the Act, the records to be kept and maintained by the Registrar shall be as set out in Form 2 of Schedule 1.

5 Request for information

For the purpose of Section 33 of the Act, the prescribed form for an application for a request for information or inspection of the Adoption Register is in Form 3 of Schedule 1.

6 Fee

Schedule 2 prescribes the type of fee for the purpose of Section 33(b) of the Act.

SCHEDULE 1

FORMS

FORM 1



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT 2017

NOTICE OF ADOPTION ORDER

[Section 27(1); Regulation 3]

To: Registrar of Births, Deaths and Marriages

An adoption Order was made in respect of the following:

Registered name of child before the making of the Order:	<i>[insert full name of minor registered with Registry of Births, Deaths and Marriages at birth]</i>
Name of child to be registered after making of the Order:	<i>[insert full name of minor to be registered with Registry of Births, Deaths and Marriages]</i>
Date of birth of child:	
Place of birth of child:	<i>[insert whether RON hospital or home birth]</i>
Gender of child:	
Forenames or surnames of biological parents and the last preceding adoptive parents:	<i>[insert full names of biological parents and full names of last preceding adoptive parents (if any)]</i>
Forenames or surnames, occupations and address of the adoptive parents:	<i>[inset full names, occupations and address of the adoptive parents]</i>
Names and titles of judicial officers granting the Order:	
Any other information (if required by the Registrar):	

Signature:

Seal:

Resident Magistrate

FORM 2



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT 2017

REGISTER OF ADOPTIONS

[Part 4 of the Act; Regulation 4]

Adoption Order No.	Date of Adoption Order	Full name and surname of minor	Gender	Date and place of birth child	Date of birth or age of adoptive parents	Names and surname; residential address and occupations of adoptive parent(s)	Signature of Registrar of Births, Deaths and Marriages

FORM 3



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT 2017

APPLICATION FOR A REQUEST FOR INFORMATION OR INSPECTION OF THE REGISTER OF ADOPTIONS

[Section 33; Regulation 5]

PART A - DETAILS OF MINOR	
Surname	
Given names	
Date of birth	
Gender	
Current residential address	
PART B – DETAILS OF BIOLOGICAL PARENT(S)	
Mother's full name	
Telephone	
Email	
Father's full name (<i>if applicable</i>)	
Telephone	
Email	
Residential address of parent(s)	
Consent by parent(s)¹ <i>[I / We²][insert names of parents] of [insert address] consent to the release or inspection of my/our child's information to [insert name of applicant] registered and kept by the Registrar of Births, Deaths and Marriages.</i> Signature of mother Signature of father	
PART C – DETAILS OF APPLICANT	
Surname	
Given Names	
Date of birth	
Gender	
Current residential address	
Relationship to minor	
Telephone	
Email	

PART D – DETAILS OF INFORMATION OR INSPECTION SOUGHT	
Details of information sought:	
• Most recent registered information; or	
• Certified record of an entry in the Register.	
	
	
Purpose of application:	<i>[set out in detail purpose of application for inspection of Register]</i>
PART E - OFFICIAL PURPOSES	
Receiving officer	
Date received	
Payment receipt number	

Signature:

Registrar of Births, Deaths and Marriages¹ Delete whichever is inapplicable.² Delete whichever is inapplicable.

SCHEDULE 2

[Section 33(b); Regulation 6]

FEE

Provision of Act/Regulations	Type	Fee
Section 33; Regulation 6	Application for a request for information or inspection of the Register	\$100

Births, Deaths and Marriages Registration (Registration of Births of Nauruan Children Born outside the Republic) Regulations 2019

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Title</i>
1	Citation
2	Commencement
3	Application for registration
4	Requirements for registration
5	Compulsory registration of birth of child in the country of birth
6	Statutory declaration verifying application
7	Certificate of Registration
8	Gazetting of registration of Nauruan children born outside the Republic
9	Register of Nauruan Children Born Outside the Republic
	SCHEDULE 1 — FORMS
	FORM 1 — APPLICATION FOR REGISTRATION OF BIRTH
	FORM 2 — STATUTORY DECLARATION
	FORM 3 — CERTIFICATE OF REGISTRATION OF BIRTH (NAURUAN CHILD BORN OUTSIDE THE REPUBLIC)
	FORM 4 — NOTIFICATION OF BIRTH REGISTRATION IN GAZETTE
	SCHEDULE 2 — REGISTER OF BIRTHS OF NAURUAN CHILDREN BORN OUTSIDE THE REPUBLIC

Births, Deaths and Marriages Registration (Registration of Births of Nauruan Children Born outside the Republic) Regulations 2019

TABLE OF AMENDMENTS

The Births, Deaths and Marriages Registration (Registration of Births of Nauruan Children Born outside the Republic) Regulations 2019 SL 24 was notified and commenced on 24 August 2019 (GN No 630/2019; Gaz 152/2019).

Amending Legislation	Notified	Date of Commencement
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021

The 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 the Republic; 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 subregulation (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
FORMS**

FORM 1



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT 2017

APPLICATION FOR REGISTRATION OF BIRTH¹

[Regulation 3]

Application Reference number: / 20

<u>PART 1 – PARTICULARS OF CHILD</u> Surname:..... Given names ² :..... Date of birth: DD/MM/YYYY Gender:..... Country of birth:..... Medical Institution <i>[name and address]</i>
<u>PART 2 – PARTICULARS OF MOTHER</u> Surname:..... Given names:..... Maiden name <i>(if applicable)</i> :..... Date of birth: ³ Tribe:..... Registered district:..... Nationality:..... Occupation:..... Telephone contact:..... Email:.....
<u>PART 3 – PARTICULARS OF FATHER⁴</u> Surname:..... Given names:..... Date of birth ⁵ Tribe:..... Registered district:..... Nationality:..... Occupation:..... Telephone contact:..... Email:.....
<u>PART 4 – PARTICULARS OF MARRIAGE OF PARENTS OF CHILD⁶</u> Date of marriage: DD/MM/YYYY Place of marriage:.....
<u>PART 5 – PARTICULARS OF INFORMANT</u> Surname:..... Given names:.....

¹ Persons who may register birth are: one or both parents.

² 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.

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

³ Insert date of birth or age at the time of birth of child.

⁴ If married or voluntarily provided by the mother with the father's consent.

⁵ Insert date of birth or age at the time of birth of child.

⁶ Marriage certificate shall be provided where the parents are married.

FORM 2



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT 2017

STATUTORY DECLARATION¹

[Regulation 6]

I², [insert full name], of [insert address], [insert occupation] do solemnly and sincerely declare that I am the biological [insert mother or father³] 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 [⁴] 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. . . .

¹ Declaration of biological parents of the Nauruan child born outside the Republic.

² Insert name of parent.

³ Father to make declaration where the mother is unavailable.

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

.....

Signature of Commissioner for Oaths/Notary Public/legal practitioner

FORM 3



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT 2017

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

[Section 19; Regulation 7]

Registration Number: / 20

<u>1. CHILD</u> Surname: Given names: Date of birth: Gender: Place of birth: Tribe: Nationality:	
<u>2. MOTHER OF THE CHILD</u> Surname: Given names: Maiden name: Age: Occupation: Tribe: Nationality: Registered District:	
<u>3. FATHER OF THE CHILD</u> Surname: Given names: Age: Occupation: Tribe: Nationality: Registered District:	
<u>4. MARRIAGE OF PARENTS</u> Date of marriage: Place of marriage:	
<u>5. INFORMANT</u>	

Name: Address:	
REGISTRAR 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. Registrar of Births, Deaths and Marriages	

FORM 4



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION ACT 2017

[Regulation 8]

NOTIFICATION OF BIRTH REGISTRATION IN GAZETTE

Gazette Notice No: / 20

TAKE NOTICE that the Registrar of 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

TAKE NOTICE that the Registrar of 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 ¹	Date of birth	Place of birth ²	Gender	Names of parents ³	Regis- tered districts of parents	Parents' tribes	Parents' occu- pation	Gazette Notice No.	Certi- ficate No.

¹ Insert given names and full names of child.

² Insert name of hospital, city, country.

³ Insert given names and full names of mother and father of child.

