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THE ISLAND OF NAURU

LEGITIMATION ORDINANCE 1959-1962*

An Ordinance relating to the Legitimation of Children born before Marriage on the subsequent Marriage of their Parents.

1. This Ordinance may be cited as the *Legitimation Ordinance 1959-1962*.*

Short title.
Short title amended:
No. 6, 1965,
s. 4.

2. In this Ordinance, unless the contrary intention appears—

Definitions.
Amended by
No. 4, 1962,
s. 2.

“ex-nuptial child” means a child not born in lawful wedlock;

“the Registrar” means the Registrar of Births, Deaths and Marriages appointed by the *Births, Deaths and Marriages Ordinance 1957* and includes the Deputy Registrar appointed under that Ordinance.

3. A child born before the marriage of his parents whose parents have (whether before or after the commencement of this Ordinance) married shall be deemed, on the registration of that child in accordance with the provisions of this Ordinance to have been legitimated by the marriage from birth and is entitled to all the rights possessed by a child born in lawful wedlock.

Legitimation after marriage of parents.

4. Subject to this Ordinance, where a child legitimated in pursuance of this Ordinance has (whether before or after the commencement of this Ordinance) died before the marriage of his parents, his issue take by operation of law such real and personal property as would have devolved upon the issue if the parent of the issue had been born in lawful wedlock.

Issue of legitimated child dying before marriage of parents.

* The *Legitimation Ordinance 1959-1962* comprises the *Legitimation Ordinance 1959* as amended. Particulars of the Principal Ordinance and of the amending Ordinance are set out in the following table:—

Ordinance.	Year and Number.	Date on which Made.	Date notified in <i>Nauru Government Gazette</i> .	Date of Commencement.
<i>Legitimation Ordinance 1959</i>	1959, No. 3	30th October, 1959	31st October, 1959	31st October, 1959
<i>Legitimation Ordinance 1962</i>	1962, No. 4	21st November, 1962	26th November, 1962	26th November, 1962

5. Nothing in this Ordinance affects an estate, right or interest in real or personal property to which a person has become or becomes entitled, either vested or contingent and either mediately or immediately in possession or expectancy, by virtue of a disposition made before the commencement of this Ordinance or by virtue of a devolution by law on the death of a person dying before the commencement of this Ordinance.

Certain interests not affected.

6. Nothing in this Ordinance affects the right of an ex-nuptial child to share equally with legitimate children in the distribution of the estate of the deceased mother of that child in accordance with the institutions, customs and usages of the Nauruan community.

Nauruan customs preserved.

7.—(1.) When a man who claims to be the father of an ex-nuptial child, whose mother he has married since the birth of the child, produces to the Registrar a declaration in accordance with the form in the First Schedule to this Ordinance, together with the document referred to in that Schedule, the Registrar shall, subject to this Ordinance, register the child, whether alive or dead, as the lawful issue of that man and his wife, and shall make a note in the entry to the effect that the registration has been made under the authority of this Ordinance.

Registration of ex-nuptial child on application of father.

(2.) The father of the child referred to in the last preceding sub-section shall sign the registration entry, and a registration under this section does not take effect until the father has signed the registration entry.

8.—(1.) Subject to this Ordinance, where—

(a) the father of an ex-nuptial child, whose mother he has married since the birth of the child, is dead; and

Registration of ex-nuptial child on application of mother.

(b) the mother of the child, within a period of two years after the death of the father, sends or produces to the Registrar a declaration in accordance with the form in the Second Schedule to this Ordinance, together with the documents referred to in that Schedule,

the Registrar shall register the child, whether alive or dead, as the lawful issue of the mother and the deceased father, and shall make a note in the entry to the effect that the registration has been made under the authority of this Ordinance.

(2.) Notwithstanding the provisions of the last preceding sub-section, unless the Administrator certifies in writing that he is satisfied, whether by the written acknowledgement of the person alleged to be the father of the child or by evidence that in the opinion of the Administrator is conclusive, that that person

was the father of the child, the Registrar shall not register the child under this section.

9. Where a child registered under either of the last two preceding sections has previously been registered under the *Births, Deaths and Marriages Ordinance 1957* as an ex-nuptial child, the Registrar shall make on the record of the previous registration a reference to the registration under this Ordinance.

Previous registration of ex-nuptial child. Amended by No. 4, 1962, s. 3.

10. Subject to this Ordinance, where, after the commencement of this Ordinance, an ex-nuptial child that has not been legitimated under this Ordinance dies intestate in respect of all or any of his real or personal property, the mother of that child, if she survives him, is entitled to take the interest in that property to which she would have been entitled if the child had been born in lawful wedlock and she had been the only surviving parent.

Right of mother of ex-nuptial child to succeed on intestacy of child.

11.—(1.) A person shall not wilfully make a false statement in a declaration under this Ordinance.
Penalty: Imprisonment for four years.

Declarations.

(2.) A declaration under this Ordinance shall be signed by the person making it before a Judge, a Magistrate or the Registrar.

THE SCHEDULES.

FIRST SCHEDULE.

Sections 7, 11.

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DECLARATION.

I, (1) do declare as follows:—
1. I am the father of an ex-nuptial child, born on the day of 19 at
2. I was married to child, on the day of the mother of the said child, at and I am desirous of having the birth of the said child registered as that of the lawful issue of myself and the said
3. The document annexed to this declaration is a certified copy of the certificate of my marriage with the said
And I make this declaration conscientiously believing the statements contained in the declaration to be true in every particular.
(2)
Declared at the day of 19

Before me,

(3)

(4)

- (1) Here insert name, address and occupation of person making the declaration.
 - (2) Signature of person making the declaration.
 - (3) Signature of person before whom the declaration is made.
 - (4) Here insert the title of person before whom the declaration is made.
- Note.—A person who wilfully makes a false statement in a declaration is liable to imprisonment for four years.

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SECOND SCHEDULE. Sections 8, 11.
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DECLARATION.

- I, (1) , do declare as follows:—
1. I am the mother of an ex-nuptial child, born on the day of , 19 , at .
 2. I was married to , the father of the said child, on the day of , 19 , at , and I am desirous of having the birth of the said child registered as that of the lawful issue of myself and the said .
 3. My husband, the said , died on the day of , 19 .
 4. The documents annexed to this declaration are:—
 - (a) A certified copy of the certificate of my marriage with the said ;
 - (b) A certified copy of the certificate of the death of the said ;
 - (c) A certificate by the Administrator that he is satisfied that the said is the father of the said child.

And I make this declaration conscientiously believing the statements contained in the declaration to be true in every particular.

(2)

Declared at the day of 19

Before me,

(3).

(4)

- (1) Here insert name, address and occupation of person making the declaration.
- (2) Signature of person making the declaration.
- (3) Signature of person before whom the declaration is made.
- (4) Here insert title of person before whom the declaration is made.

Note.—A person who wilfully makes a false statement in a declaration is liable to imprisonment for four years.