



REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION (AMENDMENT) ACT 2020

No. 14 of 2020

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

Certified: 23rd October 2020

Table of Contents

1	Short title.....	1
2	Commencement	1
3	Amendment of the Births Deaths and Marriages Registration Act 2017	1
4	Amendment of Section 3.....	1
5	Amendment of Section 4.....	1
6	Amendment of Section 5.....	1
7	Amendment of Section 61.....	1
8	Amendment of Section 79.....	2
9	Insert new Section 87A.....	2
10	Consequential amendment.....	3

Enacted by the Parliament of Nauru as follows:

1 Short title

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

2 Commencement

This Act commences on certification by the Speaker.

3 Amendment of the Births Deaths and Marriages Registration Act 2017

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

4 Amendment of Section 3

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

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

5 Amendment of Section 4

Section 4 is deleted and substituted as follows:

'4 Registrar of Births, Deaths and Marriages

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

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

6 Amendment of Section 5

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

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

7 Amendment of Section 61

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

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

8 Amendment of Section 79

Section 79 is deleted and substituted as follows:

'79 Appointment of Marriage Officer and Funeral Officiator

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

9 Insert new Section 87A

A new Section 87A is inserted as follows:

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

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

10 Consequential amendment

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

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