

REPUBLIC OF VANUATU

BILL FOR THE CIVIL STATUS (REGISTRATION) (AMENDMENT) ACT NO. OF 2021

Explanatory Note

The Bill amends the Civil Status (Registration) Act [CAP 61] (“the Act”) to provide for the civil registration system, and the technical and operational changes in the registration process. Provision is also made for issuing national identity cards (“national ID card”). The amendments are taken to have commenced on 4 November 2020 to ensure they are in force for any elections.

The Act came into force in 1971, when civil registration was done manually and there was no national ID card. Civil registration is the system by which the Civil Registration and Vital Statistics (“the CRVS”) records the vital events of Vanuatu’s citizens and residents, such as births, marriages and deaths. The resulting database serves as a basis to create a data source for the compilation of vital statistics, which is essential for Government planning and budgeting purposes. It also supports the establishment of a “legal identity” for registered persons through the issuing of national ID cards to citizens.

In 2017, the CRVS started a civil registration campaign and began issuing national ID cards to those registered by the CRVS, yet there has been no update of the legal framework to date. The Minister is of the view that the amendments are essential for the update of the legal framework reflecting current civil registration policy and practice. The same year, the Government also decided to link the civil and voter registration databases in an effort to improve the integrity and accuracy of voter registration and to enhance the synergies between different government ministries and agencies.

The amendments will provide for the Central Register of Civil Status (“the Central Register”) for registration of vital elements of citizens and residents. The Central Register is to be in electronic form and maintained by electronic means. The CRVS is responsible for the Central Register and registration operations.

The amendments will also provide for the national ID card. The national ID card is not mandatory. If a person wishes to be issued with a national ID card, the person has to apply for it. The Registrar-General may issue a national ID card to a person if the person is a citizen of Vanuatu. The person must also be registered in the Central Register or provide his or her birth certificate or a certified copy of that certificate.

Amendments have also been made to remove the requirement for entries in the Central Register to be hand-written as the entries for the civil registration are now made electronically.

Deputy Prime Minister and Minister of Internal Affairs



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BILL FOR THE CIVIL STATUS (REGISTRATION) (AMENDMENT)ACT NO. OF 2021

An Act to amend the Civil Status (Registration) Act [CAP 61].

Be it enacted by the President and Parliament as follows-

1 Amendment

The Civil Status (Registration) Act [CAP 61] is amended as set out in the Schedule.

2 Commencement

This Act is taken to have commenced on 4 November 2020.

SCHEDULE

AMENDMENTS OF CIVIL STATUS (REGISTRATION) ACT [CAP 61]

1 Long Title

Repeal the Long Title, substitute

“To provide for the civil registration of births, acknowledgements, deaths, marital status of persons, and other vital events, and the issuing of national identity cards, and for related matters.”

2 Section 1

Repeal the section, substitute

1. Application of this Act

This Act applies to the registration of the births, acknowledgements, deaths, marital status of persons, and other vital events, and the issuing of national identity cards.”

3 Section 2

Insert the following definitions in their correct alphabetical positions:

““Central Register” means the Central Register of Civil Status established under section 6;

“civil registration” means the electronic registration of vital events in relation to a person in the Central Register of Civil Status;

“Civil Registration and Vital Statistics” means the department responsible for civil registration;

“national identity card” means the national identity card issued under section 30A;

“Registrar-General” means the Registrar-General appointed under section 3 and is deemed to include the Director of Civil Registration and Vital Statistics;

“vital event” includes the live birth, death, foetal death, marriage, divorce, adoption, legitimation, recognition of parenthood, annulment of marriage, or legal separation of a person;”

4 Subsection 3(3)

Delete “central register of the Civil Status”, substitute “Central Register”

5 Sections 6, 7, 8 and 9

Repeal the sections, substitute

“6. Central Register

- (1) The Registrar-General must establish and maintain a register for the purposes of this Act, to be known as the Central Register .
- (2) The Central Register is to be in electronic form and be maintained by electronic means.

7. Civil registration

- (1) Births, acknowledgements, deaths, foetal deaths, marriages, dissolutions and nullifications of marriage and other vital events must be entered electronically in the Central Register.
- (2) Electronic entries in the Central Register must be made in accordance with operational directives set out in the guidelines issued under section 44.”

6 Section 10 (heading) and subsections 10(1), and 14A(3), (4), (5) and (7)

Delete “registers”, substitute “Central Register”

7 Subsection 11(1)

Delete “a register”, substitute “the Central Register”

8 Subsection 11(2)

Repeal the subsection, substitute

- “(2) Any correction, insertion or alteration to be made into the Central Register must be approved by the Registrar-General.”

9 Subsections 12(1), 25(2) and 26(2)

Delete “register”, substitute “Central Register”

10 Subsection 12(2)

Repeal the subsection.

11 Section 13

Delete “transcribed by the Registrar-General on the appropriate register”, substitute “entered by the Registrar-General in the Central Register”

12 Subsection 14(2)

Delete “register of births and acknowledgements”, substitute “Central Register”

13 Subsection 14A(1)

- (a) Delete “register”, substitute “Central Register”;
- (b) Delete “for an amendment in the registers of that person’s name”

14 Subsection 14A(8)

Repeal the subsection.

15 Section 15

Delete “register”, substitute “Central Register”

16 Section 16

Repeal the section.

17 Subsection 17(1)

Delete “any register”, substitute “the Central Register”

18 Subsection 19(1)

Delete “a register”, substitute “the Central Register”

19 Subsection 19(2)

Delete “on the register”, substitute “in the Central Register”

20 Section 20

Delete “his register”, substitute “the Central Register”

21 Section 21

Delete “appropriate registers”, substitute “Central Register”

22 Section 22

Delete “register” (wherever occurring), substitute “Central Register”

23 Subsection 23(1)

Delete “his register of marriages”, substitute “the Central Register”

24 Section 24

Delete “appropriate register”, substitute “Central Register”

25 After section 30

Insert

“PART 3A NATIONAL IDENTITY CARD

30A. National Identity Card

- (1) If a person wishes to be issued with a national identity card, the person must apply in the prescribed form to the Registrar-General.
- (2) The Registrar-General may issue a national identity card to a person if the person:
 - (a) has applied in the prescribed form; and
 - (b) either:
 - (i) is registered in the Central Register; or
 - (ii) provides to the Registrar-General his or her birth certificate or a certified copy of that certificate; and
 - (c) is a citizen of Vanuatu.
- (3) A person's national identity card must have a unique identity number and be issued in the prescribed form.
- (4) The Regulations and guidelines may prescribe matters relating to the national identity card.”

26 After section 42

Insert

“42A. Guidelines and forms

The Registrar-General may issue guidelines and prescribe forms for the purposes of this Act.”

27. Transitional provisions

- (1) An existing entry in physical form in any of the following registers:
 - (a) the register for births and acknowledgements; and
 - (b) the register for marriages and dissolution and nullification of marriages; and
 - (c) the register for deaths and foetal deaths,

SCHEDULE
AMENDMENTS OF CIVIL STATUS (REGISTRATION) ACT [CAP 61]

immediately before the commencement of this Act is deemed to be an electronic entry in the Central Register.

- (2) An existing entry in electronic form in the register known as the Register VIZ Database immediately before the commencement of this Act is deemed to be an entry in electronic form in the Central Register.
- (3) A national identity card that was issued before the commencement of Part 3A is deemed to be issued under that Part. for the purposes of this Act.