

THE ISLAND OF NAURU.

No.1 of 1946.

AN ORDINANCE

Relating to the issue of Certificates in respect of Deaths of Civilians as a result of the War.

BE it ordained by the Administrator of the Island of Nauru, acting in pursuance of the powers conferred by Article 1 of the Agreement dated the second day of July, 1919, between His Majesty's Government in London, His Majesty's Government of the Commonwealth of Australia and His Majesty's Government of the Dominion of New Zealand, as follows:-

Citation. 1. This Ordinance may be cited as the War Deaths (Civilians) Certificates Ordinance 1946.

Definition. 2. In this Ordinance, unless the contrary intention appears -

"the war" means the war which commenced on the third day of September, One thousand nine hundred and thirty-nine and includes any other war in which His Majesty became engaged after that date and before the second day of September, One thousand nine hundred and forty-five.

Certificate of death. 3. Where the Administrator is satisfied that, at any time during the war, any person was on the Island of Nauru at a time when that island was occupied by the enemy and that that person -

- (a) died on a particular date;
- (b) died on or after a particular date;
- (c) became missing on a particular date and is for official purposes presumed to have died; or
- (d) died on or before a particular date,

while in the hands of the enemy, or in other circumstances arising out of the war, which render difficult the proof of his death, the Administrator may issue a certificate (in this Ordinance referred to as a "certificate of death") that that person -

- (e) died on that date;
- (f) died on or after that date;
- (g) became missing on that date and is for official purposes presumed to be dead; or
- (h) died on or before that date,

as the case may be.

Effect of certificates. 4.-(1.) A certificate of death in respect of any person shall in all courts and before all persons acting judicially be prima facie evidence of the death of the person named in the certificate on the date specified in the certificate as the date on which, or on or after which, or on or before which, he died or on which he became missing, as the case may be.

(2.) Every court and every person acting judicially shall take judicial notice of the signature of the Administrator.

(3.) Any person who, acting in good faith on the presumption of the death of any person in respect of whom a certificate of death has been issued, and while that certificate is uncanceled, pays any money or transfers any property to a person who is entitled to receive the money or property on the assumption that the person named in the

certificate died on the date specified in the certificate as the date on which, or on or after which, or on or before which, the person named in the certificate died, or on which he became missing, shall obtain a good discharge in respect of that money or property and, in the event of the person named in the certificate being in fact alive subsequent to the date so specified, shall not be subject to any liability, civil or criminal, in connexion with that money or property, to which he would not have been subject had the person named in the certificate died on the date so specified.

No security required in connexion with probate or administration. 5. When probate of the will, or administration of the estate, of a person in respect of whom a certificate of death has been issued, and is uncanceled at the time of the grant, is granted, or proposed to be granted, no leave of a court shall be required for the distribution or administration of the estate and no bond or surety or other security shall be required of any person for the restoration, repayment or replacement upon any condition or event of moneys or other property forming part of the estate which would not be required if the death of the person in respect of whom the certificate was issued had been conclusively proved.

Cancellation of certificates. 6.-(1) Where -

- (a) a certificate of death has been wrongly issued;
- (b) subsequent to the issue of a certificate of death, information which indicates that the certificate should not have been issued becomes available; or
- (c) subsequent to the issue of a certificate of death, it is found that the certificate is incorrect in some particular;

the Administrator may be notice in writing, served personally, or by post at the last-known place or abode of the person to be served, require any person having possession of the certificate to forward it to the Administrator, and that person shall forthwith comply with the requirements.

(2) The Administrator may, on obtaining possession of the certificate of death to which paragraph (a), (b) or (c) of the last preceding sub-section applies, cancel or correct the certificate, as the case requires.

(3.) Where, subsequent to the issue of a certificate of death, it is found that the certificate is incorrect in some particular, the Administrator may, in accordance with this Ordinance, issue a correct certificate of death notwithstanding that the certificate previously issued has not been cancelled, but the issue of any such further certificate shall not in any way affect the rights of any person acting, without knowledge of the issue of that certificate, in reliance on the certificate previously issued.

(4.) A person with knowledge that the Administrator has demanded, or wishes to secure, the delivery up of a certificate of death shall not present the certificate to any other person or otherwise make use of, or act in reliance on, the certificate.

Dated this sixteenth day of February, 1946.

(SGD.) M. RIDGWAY.

Administrator of the Island of Nauru.