



REPUBLIC OF VANUATU

CIVIL REGISTRATION AND IDENTITY MANAGEMENT ACT NO. 28 OF 2021

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REPUBLIC OF VANUATU

Assent: 10/12/2021
Commencement: 11/01/2022

CIVIL REGISTRATION AND IDENTITY MANAGEMENT ACT NO. 28 OF 2021

An Act to provide for the registration of vital events, identity management and statistics for vital events, and for related matters.

Be it enacted by the President and Parliament as follows-

PART 1 PRELIMINARY MATTERS

1 Objectives of the Act

The objectives of this Act are:

- (a) to require the notification, the registration and the certification of information relating to births, deaths, marriages, change of name, adoptions and other vital events that can be used as:
 - (i) an official record; and
 - (ii) a source of demographic and other information for the Government; and
- (b) to provide access to, and disclosure of, vital events registered in the Central Register; and
- (c) to provide for the provision, and effect, of certificates relating to vital events.

2 Interpretation

In this Act, unless the contrary intention appears:

application means an application made under this Act;

approved form means a form approved by the Registrar-General under section 47;

authorised person means a person appointed to be an authorised person under section 46;

Central Register means the Central Register established under section 6;

citizen and **citizenship** has the same meaning as in the Citizenship Act [CAP 112];

civil register means a register in the Central Register used to register a particular vital event;

civil registration means the continuous, permanent, compulsory and universal registration of vital events;

Civil Registration System means the institutional, legal and technical settings required for the nationwide performance of civil registration functions in a sound, coordinated and standardized manner;

Department means the Department responsible for civil registration and identity management;

government agency means:

- (a) a Ministry; or
- (b) an office of the Government; or
- (c) an office or body established by the Constitution; or
- (d) an office or body established by an Act of Parliament; or
- (e) a prescribed agency;

identity management means identity management under section 28;

Minister means the Minister responsible for civil registration and identity management;

national identification number means a unique sequence of decimal digits for the unique identification of a person and interoperability between civil registers;

National Identity Card means a National Identity Card issued under the Vanuatu National Identity Act No. 27 of 2021;

officer means a permanent or temporary officer of the Department;

Population Register means the Population Register under section 10;

Registrar-General means the person who is the Director of the Department, and includes any officer of the Department or other person acting as a delegate of the Registrar-General;

vital event means:

- (a) a birth; or
- (b) a death; or
- (c) a marriage; or
- (d) a divorce; or
- (e) an adoption; or
- (f) a legitimization; or
- (g) a recognition of parenthood; or
- (h) an annulment of marriage; or
- (i) a legal separation; or
- (j) a change of name of a person; or
- (k) a foetal death;

vital statistics means statistics relating to vital events registered in the Central Register.

PART 2 ADMINISTRATION

3 Functions and powers of the Registrar-General

- (1) The Registrar-General has the following functions:
- (a) to administer this Act in an efficient and effective way; and
 - (b) to ensure that:
 - (i) the Central Register and the Civil Registration System operates efficiently and effectively; and
 - (ii) the registration of vital events in the Central Register is undertaken in accordance with this Act and the Regulations; and
 - (iii) the issuance of certificates acknowledges the registration of vital events in the Central Register; and
 - (iv) false, inaccurate, incomplete data and information in the Central Register is immediately corrected, updated or supplemented; and
 - (v) identity management is developed, maintained and improved; and
 - (vi) registration centres:
 - (A) are established by the Department throughout Vanuatu; and
 - (B) comply with the legal requirements of collecting and storing data and information relating to vital events; and
 - (vii) the requirements under international agreements and treaties to which Vanuatu is a party are complied with; and
 - (c) in relation to the Department:

- (i) to ensure the Department performs its functions in an efficient, effective and economical way; and
 - (ii) to provide training and ensure that there is professional development of officers; and
 - (iii) to monitor the performance of the Department and plan its annual budget and work program; and
 - (iv) to provide the annual performance and financial reports of the Department to the Minister; and
- (d) such other functions that are conferred on the Registrar-General under this Act or any other Act.
- (2) The Registrar-General may establish committees to assist in the performance of his or her functions, and is to determine the functions and procedures of these committees.
- (3) The Registrar-General has the power to do all things necessary or convenient to be done for or in connection with the performance of his or her functions under this Act.

4 Functions and powers of the Department

- (1) The Department has the following functions:
- (a) to develop, maintain and improve civil registration and the Civil Registration System; and
 - (b) to register in the Central Register complete, correct and accurate data on the population of Vanuatu; and
 - (c) to develop, maintain and improve identity management of the population of Vanuatu; and
 - (d) to assist the Department responsible for statistics to develop, maintain and improve the collection, compilation, abstraction and publication of vital statistics; and

- (e) to provide government agencies with lawful access to data registered in the Central Register to enhance data-sharing within public administration; and
 - (f) to assist in the development of general policies for civil registration, identity management and vital statistics; and
 - (g) such other functions that are conferred on the Department under this Act or any other Act.
- (2) The Department has the power to do all things necessary or convenient to be done for or in connection with the performance of its functions under this Act.

5 Delegation of functions and powers

The Registrar-General may delegate all or any of his or her functions and powers under this Act or the Regulations to an officer.

PART 3 CENTRAL REGISTER

6 Establishment of the Central Register

- (1) The Central Register is established.
- (2) The Central Register consists of civil registers and the Population Register that are to be kept in an electronic form and maintained by electronic means.

7 Entries in the Central Register

- (1) A vital event must be entered electronically in the relevant civil register in the Central Register.
- (2) An entry in the Central Register must not contain, either by annotation or in any other form, anything more than what is required by this Act and the Regulations.
- (3) An entry in the Central Register is free of charge.

8 Correction or cancellation of erroneous entries

The Registrar-General may correct any inaccurate, incorrect or incomplete data registered in the Central Register or cancel an entry in the Central Register if it contains such data.

9 Registration of judicial and administrative decisions

- (1) The Registrar-General must enter in the Central Register any judicial or administrative decision affecting the personal data registered in the Central Register as soon as practicable after receiving the decision from a court or government agency.
- (2) A court or government agency must provide to the Registrar-General a copy of the decision as soon as practicable after making the decision.

10 Population Register

- (1) The Population Register must contain the personal data of persons residing in Vanuatu including:

- (a) citizenship; and
 - (b) the issuance dates of birth certificates and National Identity Cards;
and
 - (c) the residential addresses; and
 - (d) other data as determined by the Registrar-General.
- (2) A person must notify the Registrar-General in the approved form of a change to the person's residential address as soon as practicable after the change.

PART 4 NOTIFICATION AND REGISTRATION OF VITAL EVENTS

Division 1 Notification and registration of vital events

11 Notification of vital events

Each of the following:

- (a) a birth that occurs in Vanuatu; and
- (b) a death or foetal death that occurs in Vanuatu; and
- (c) a civil, religious or custom marriage celebrated in accordance with the Marriage Act [CAP 60]; and
- (d) an adoption made pursuant to an order of the Supreme Court of Vanuatu; and
- (e) a change to a person's name that is registered in the Central Register; and
- (f) any other vital event,

must be notified to the Registrar-General, in the approved form.

12 Registration of vital events

If a vital event is notified under section 11, the vital event must be registered in the Central Register, by entering in the relevant civil register, the required data relating to the vital event as determined by the Registrar-General.

Division 2 Other birth provisions

13 Discovery of newborn child to be notified

If a person finds a newborn child, the person must notify the Registrar-General of the child as soon as practicable.

14 Notification of births outside Vanuatu

If a birth occurs outside of Vanuatu, the parents or a parent of the child, or any other person, may, at any time, notify the Registrar-General of the birth if both or 1 of the parents is a citizen.

Division 3 Other death provisions

15 Death certificate for notification of death

If a deceased person is attended by a registered medical practitioner at the time of the person's death, the notification of the death to the Registrar-General must be accompanied by a certificate as to the cause of death signed by that medical practitioner.

16 Discovery of dead body to be notified

If a dead body is discovered, a police officer or a community leader must notify the death to the Registrar-General as soon as practicable after the discovery or being made aware of the discovery.

17 Death in private or public institution to be notified

If a death occurs in a hospital, prison or other public or private institution, the person in charge of such establishment must notify the death to the Registrar-General as soon as practicable after the death occurs.

18 Coroner must notify Registrar-General of a death

A coroner must notify the death of a person to the Registrar-General, within 3 working days, or such longer period as prescribed by the Regulations, after the completion of an inquiry relating to the person's death, if the coroner has established that the person has died and the identity of the person.

19 Deaths that occur outside of Vanuatu may be notified

A person may, at any time, notify to the Registrar-General, a death that occurs outside of Vanuatu if the deceased person is a citizen.

20 Registrar-General must register deaths of service personnel

The Registrar-General must register the death of a person who, in the opinion of the Registrar-General, has died outside of Vanuatu while being a member of, or on service with, a United Nation's peacekeeping force or other force approved by the Government of Vanuatu.

21 Overseas death certificate

- (1) A person may, at any time, provide a death certificate issued outside of Vanuatu to the Registrar-General in respect of a death that has occurred outside of Vanuatu.
- (2) The Registrar-General must, on receiving an overseas death certificate that relates to a Vanuatu citizen, register in the Central Register, the information contained in the death certificate.

Division 4 Other marriage provisions

22 Notification of dissolution of marriage in Vanuatu

- (1) This section applies if a Court makes an order:
 - (a) dissolving a marriage; or
 - (b) declaring that a party to a marriage is presumed to be dead and that the marriage is dissolved; or
 - (c) declaring that a marriage is void.
- (2) A Registrar of the Court must notify the Registrar-General of the order as soon as practicable after the order is made.
- (3) The Registrar-General must enter the information provided in relation to the dissolution of a marriage in the record for that marriage in the Central Register.

23 Bigamy

- (1) This section applies if a person is convicted of bigamy.
- (2) The registrar of the court in which the conviction is entered must notify the Registrar-General of the conviction as soon as practicable after the person is convicted.
- (3) The Registrar-General must enter the conviction in the record for the marriage in the Central Register.

Division 5 Other change of name provisions

24 Name changes not to be registered

- (1) The Registrar-General must not register a change of name if the Registrar-General:
 - (a) is not satisfied of the applicant's identity and of the identity of the person whose change of name is to be registered; or
 - (b) reasonably suspects that the change of name is sought for a fraudulent or other improper purpose.
- (2) The Registrar-General must notify the Citizenship Office and the Department responsible for immigration of a change of name registered in the Central Register.
- (3) Subject to the approval of the Registrar-General, a person must not make a change to his or her name more than 2 times in a year.

25 Offence regarding change of name

- (1) A person who has changed his or her name must not use the name formerly entered into the Central Register.
- (2) A person who contravenes subsection (1) commits an offence punishable on conviction by a fine not exceeding VT1,000,000 or by a term of imprisonment not exceeding 6 months, or both.

Division 6 Other adoption provisions

26 Registration of adoptions outside Vanuatu

The Registrar-General may register an adoption outside of Vanuatu if the Registrar-General:

- (a) has received the particulars required to register the adoption from an overseas registration authority; and
- (b) is satisfied that:
 - (i) the particulars are likely to be correct; and

- (ii) the adopted person, the adoptive parents or 1 of the adoptive parents is a citizen.

27 Adoption information to overseas authority

The Registrar-General may provide any information recorded in the Central Register in respect of an adoption to an overseas authority if the Registrar-General is satisfied that the authority has:

- (a) requested the information; and
- (b) the function of recording information relating to adoptions.

PART 5 IDENTITY MANAGEMENT, NATIONAL IDENTIFICATION NUMBER AND VITAL STATISTICS

28 Identity Management

- (1) Identity management is the issuance of:
 - (a) a legal identity of a person; and
 - (b) a proof of the legal identity of a person in relation to his or her data that is registered in the Central Register.
- (2) The registration of a birth in the Central Register creates the legal identity of the person, but the registration of a foetal death does not create a legal identity.
- (3) Each of the following is a proof of the legal identity of a person:
 - (a) the person's birth certificate;
 - (b) the person's National Identity Card;
 - (c) the digital identity credentials of the person obtained from data registered in the Central Register.

29 National identification number

- (1) A national identification number must be issued to a person whose birth data is registered in the Central Register.
- (2) The national identification number issued to a person:
 - (a) is unique and unalterable; and
 - (b) serves as a unique identification number of the person; and
 - (c) is included on the person's National Identity Card.

30 Vital Statistics

- (1) The Registrar-General may direct the Department to collect, compile, abstract and publish the vital statistics.
- (2) The vital statistics must be compiled only from the data registered in the Central Register.
- (3) An anonymous or a summarised data that is not traceable to an individual person may be made available to public.

PART 6 RIGHTS IN RELATION TO REGISTERED DATA AND DATA PROTECTIONS

31 Right to registered data

- (1) A person may apply, in the approved form, to the Registrar-General for a printed document that specifies:
 - (a) his or her personal data that is registered in the Central Register; and
 - (b) the government agencies that have access to that personal data.
- (2) The Registrar-General must provide the printed document to the applicant as soon as practicable after receiving the application.

32 Right to correct inaccurate, incorrect or incomplete data

- (1) A person may apply to the Registrar-General, in the approved form, to revise his or her inaccurate, incorrect or incomplete personal data that is registered in the Central Register.
- (2) The Registrar-General must revise the personal data if the Registrar-General is satisfied that it is inaccurate, incorrect or incomplete.

33 Refusal to access data

- (1) The Registrar-General may refuse a person to access data in the Central Register if:
 - (a) the Vanuatu Police Force, the Ombudsman, the Financial Intelligence Unit or any other prescribed law enforcement agency has requested data registered in the Central Register for an investigation; or
 - (b) the Attorney-General has advised the Registrar-General that it is in the interest of national security.
- (2) Subsection (1) applies despite any other provision of this Act.

34 Data protection

- (1) The Registrar-General may in writing develop special protective measures to protect data registered in the Central Register against any or all of the following:
 - (a) accidental or unauthorized destruction of data;
 - (b) accidental loss of data;
 - (c) unauthorized access, change or disclosure of data.
- (2) An officer of the Department must sign a declaration issued by the Registrar-General to maintain the confidentiality of personal data and must not contravene the provisions of this Act or the Regulations.

35 Disclosure of information concerning a person

- (1) The Registrar-General or an officer must not:
 - (a) make a record of information that concerns a person; or
 - (b) disclose or communicate such information to another person,unless the record is made, or the information is disclosed or communicated, for the purpose of performing functions or exercising powers under this Act.
- (2) A person who contravenes subsection (1) commits an offence punishable on conviction by a fine not exceeding VT1,000,000 or by a term of imprisonment not exceeding 6 months, or both.

PART 7 CERTIFICATES AND OTHER DOCUMENTS

36 Certificates

- (1) A person may apply to the Registrar-General for a birth certificate, adoption certificate, marriage certificate, name-change certificate or any other certificate for a vital event.
- (2) In the case of a death certificate, the application must be made by a member of the family or the legal representative of the deceased person.
- (3) The application must be in the approved form and be accompanied by the prescribed fee.
- (4) A certificate must not contain:
 - (a) the word ‘illegitimate’ or words to that effect; or
 - (b) the word ‘suicide’ or words to that effect; or
 - (c) a word or expression specified by the Registrar-General.

37 Executing certificates and other documents

- (1) The Registrar-General may have 1 or more seals.
- (2) A certificate or other document issued by or for the Registrar-General must be issued with:
 - (a) the imprint of 1 of the Registrar-General’s seals; and
 - (b) the signature, or a facsimile of a signature, of the Registrar-General or a delegate of the Registrar-General.

38 Certificates and other documents as evidence

- (1) A certificate or other document issued under this Act or the Regulations is admissible as evidence in any legal proceedings.

- (2) If the certificate or other document produced in evidence before a court is signed and sealed by or for the Registrar-General, the court must presume, in the absence of evidence to the contrary, that:
- (a) the certificate or other document is properly issued under the Registrar-General's authority; and
 - (b) the information contained is true.

39 Form of certificates

A certificate issued under this Act or the Regulations must be in a form approved by the Registrar-General.

PART 8 OFFENCES

40 General offence

A person who contravenes any provision of this Act commits an offence punishable on conviction by a fine not exceeding VT500,000 or by a term of imprisonment not exceeding 3 months, or both.

41 False or misleading information

A person who provides false or misleading information to a person under this Act or the Regulations, commits an offence punishable on conviction by a fine not exceeding VT1,000,000 or by a term of imprisonment not exceeding 6 months, or both.

42 Unauthorised access to or interference with the Central Register

(1) A person must not:

- (a) access the Central Register or information in the Central Register;
or
- (b) make, alter or delete an entry in the Central Register; or
- (c) interfere with the Central Register in any other way,

unless he or she is authorised by the Register-General.

(2) A person who contravenes paragraph (1)(a), (b) or (c) commits an offence punishable on conviction by a fine not exceeding VT1,000,000 or by a term of imprisonment not exceeding 6 months, or both.

43 False certificates and other documents

The Registrar-General may confiscate:

- (a) a document that the Registrar-General reasonably believes bears a forged facsimile of the Registrar-General's signature or seal; or
- (b) a certificate or other document purporting to be a certificate or other document issued under this Act or the Regulations that the Registrar-General reasonably believes has been forged; or

- (c) a certificate issued under this Act or the Regulations about a vital event if the entry of the vital event in the Central Register has been amended or cancelled.

44 Penalty Notice

- (1) The Registrar-General may serve a penalty notice on a person if it appears to the Registrar-General that the person has committed an offence under any provision of this Act or the Regulations.
- (2) A penalty notice is a notice to the effect that, if the person served does not wish to have the matter determined by a Court, the person may pay within a time and to a person specified in the notice, the amount of penalty stated in the penalty notice.
- (3) A penalty notice may be served personally or by post.
- (4) If the amount of penalty prescribed for the purposes of this section for an alleged offence is paid under this section, no person is liable to any further proceedings for the alleged offence.
- (5) Payment under this section is not to be regarded as an admission of liability for the purpose of, nor in any way affect or prejudice, any civil proceeding arising out of the same occurrence.
- (6) The Regulations may:
 - (a) prescribe the amount of penalty payable for the offence if dealt with under this section; and
 - (b) prescribe different amounts of penalties for different offences or classes of offences.
- (7) The amount of a penalty prescribed under this section for an offence must not exceed the maximum amount of penalty which could be imposed for the offence by a Court.
- (8) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

PART 9 MISCELLANEOUS PROVISIONS

45 Protection from liability

A civil liability action is not to be taken against the Registrar-General, an officer or an authorised person in respect of anything done or omitted to be done by the Registrar-General, the officer or the authorised person in good faith in the execution or purported execution of his or her functions or the exercise of his or her powers under this Act.

46 Authorised persons

The Registrar-General may, in writing, appoint suitably qualified and trained persons who are not officers to be authorised persons to perform or exercise any functions or powers that may be performed or exercised by an officer under this Act for a period of time as determined by the Registrar-General.

47 Approved forms

The Registrar-General may approve forms for the purposes of this Act or the Regulations.

48 Regulations

- (1) The Minister may, on the advice of the Registrar-General, make Regulations not inconsistent with this Act for the better carrying out or giving effect to the provisions of this Act.
- (2) Without limiting subsection (1), the Regulations may prescribe:
 - (a) matters for or with respect to any or all of the following:
 - (i) the notification of vital events;
 - (ii) the registration of vital events;
 - (iii) the identity management;
 - (iv) the national identification numbers;
 - (v) the vital statistics;
 - (vi) the data protection; and

- (b) fees for the purposes of this Act or the Regulations; and
- (c) fine not exceeding VT100,000 in respect of offences under the Regulations.

49 Repeal of the Act

The Civil Status (Registration) Act [CAP 61] is repealed.

50 Transitional provisions

- (1) In this section:

repealed Act means the Civil Status (Registration) Act [CAP 61].

- (2) On and after the commencement of this Act, the Registrar-General and any officer is to continue to be employed as the Registrar-General and as the officer:
- (a) on the same terms and conditions; and
 - (b) in the same position and with the same classification,
- until such time the person's employment lawfully ceases or the person's employment terms and conditions, position or classification lawfully changes.
- (3) A registration in the Central Register made under the repealed Act is taken, on and after the commencement of this Act, to be a registration in the Central Register made under this Act.
- (4) A certificate or a form issued under the repealed Act is taken, on and after the commencement of this Act, to be a certificate or form issued under this Act.
- (5) If a notification of a vital event made under the repealed Act has not been registered before the commencement of this Act, the notification is taken to be a notification of a vital event under this Act and is to be registered under this Act.
- (6) On and after the commencement of this Act, a reference in any other Act or any Regulation to the repealed Act or a provision of the repealed Act is

taken to be a reference to this Act or the corresponding provision (if any) of this Act.

51 Commencement

This Act commences on the day on which it is published in the Gazette.