

BILL NO. 34 OF 2021

A BILL

FOR AN ACT TO AMEND THE INTERPRETATION ACT 1967

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Interpretation (Amendment) Act 2021.

(2) This Act comes into force on a date appointed by the Minister by notice in the Gazette.

Section 2 amended

2. Section 2 of the Interpretation Act 1967 is amended by—

(a) in subsection (1) after the definition of “barrister and solicitor”, inserting the following new definition—

““birth certificate”, in relation to a person, means the original or certified copy of a certificate which reflects the entry of the person’s current information in the register of births kept in accordance with the Births, Deaths and Marriages Registration Act 1975, or the original or certified copy of the person’s certificate of birth issued in any other country in accordance with the relevant law in force in the country at the time the certificate of birth is issued;” and

(b) after subsection (8), inserting the following new subsections—

“(9) Where any written law authorises or requires a person to provide his or her name, the person must provide his or her name as specified on his or her birth certificate, and where any written law authorises or requires a person to provide any form of identification of himself or herself, the person must provide such form of identification which accurately reflects his or her name as specified on his or her birth certificate.

(10) Where any written law authorises or requires a person to receive or accept the name of another person, the first-mentioned person may only receive or accept the name as specified on the second-mentioned person’s birth certificate, and where any written law authorises or requires a person to receive or accept any form of identification of another person, the first-mentioned person may only receive or accept such form of identification which accurately reflects the name as specified on the second-mentioned person’s birth certificate.

(11) For the purposes of subsections (9) and (10), if a person is a citizen of Fiji and his or her name on his or her birth certificate is not in the English alphabet, the person’s name on his or her certificate of registration or certificate of naturalisation, as the case may be, is deemed to be the person’s name on his or her birth certificate.

(12) Notwithstanding subsections (9) and (10) and with the exception of a voter card issued under the Electoral (Registration of Voters) Act 2012, if a certificate, licence, permit, deed or any other document is issued to a person under any written law before the commencement of the Interpretation (Amendment) Act 2021 and the certificate, licence, permit, deed or document refers to the person by a name that is different from the person’s name as specified on his or her birth certificate, the certificate, licence, permit, deed or document continues in existence provided however that the certificate, licence, permit, deed or document does not have an expiration date; and if the certificate, licence, permit, deed or document has an expiration date, the certificate, licence, permit, deed or document continues in existence until the expiration date unless the certificate, licence, permit, deed or document is cancelled, revoked, rescinded or terminated before the expiration date.”.

September 2021

INTERPRETATION (AMENDMENT) BILL 2021

EXPLANATORY NOTE

(This note is not part of the Bill and is intended only to indicate its general effect)

1.0 BACKGROUND

- 1.1 The Interpretation Act 1967 (**‘Act’**) sets out the principles and rules for the interpretation of written laws and public documents in Fiji.
- 1.2 The Family Law Rules 2005 (**‘Rules’**) defines “birth certificate” for the purposes for which the phrase is used in the Rules. However, given that this phrase is referred to across a number of written laws, it is proposed that it be defined in the Act for greater clarity.
- 1.3 It is also proposed that the Act be amended to require the provision of a person’s name on their birth certificate if the person is authorised or required by written law to provide their name.
- 1.4 The Interpretation (Amendment) Bill 2021 (**‘Bill’**) seeks to amend the Act to provide for the proposed policy changes mentioned above.

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on a date appointed by the Minister by notice in the Gazette.
- 2.2 Clause 2 of the Bill amends section 2 of the Act to insert the definition of “birth certificate”. The phrase “birth certificate” refers to the original or certified copy of a certificate which reflects the entry in relation to a person’s information in the register of births kept in accordance with the Births, Deaths and Marriages Registration Act 1975, or the original or certified copy of the person’s certificate of birth issued in any other country in accordance with the relevant law in force in the country at the time the certificate of birth is issued.

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- 2.3 Clause 2 of the Bill also amends section 2 of the Act to require those who are authorised or required by any written law to provide their name, to provide their name as it appears on their birth certificate. This requirement extends to any form of identification provided by a person where such form of identification must state the name as it appears on the person's birth certificate.
- 2.4 Furthermore, clause 2 of the Bill amends section 2 of the Act to also require any agency or approving authority of any kind which receives applications or submissions to only accept the name of an applicant if the name is as it appears on the applicant's birth certificate.
- 2.5 In addition, clause 2 of the Bill amends section 2 of the Act to insert transitional provisions. These provisions will ensure that certificates, licences, permits, deeds and other documents which refer to names of people that are different from the names on their birth certificates, continue in existence if they do not have an expiration date. On the other hand, if such documents have an expiration date, then any renewal or new documents issued would have to refer to their names as specified on their birth certificates.

3.0 MINISTERIAL RESPONSIBILITY

- 3.1 The Act comes under the responsibility of the Attorney-General.

A. SAYED-KHAIYUM
Attorney-General