

BILL NO. 33 OF 2021

A BILL

FOR AN ACT TO AMEND THE BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT 1975

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Births, Deaths and Marriages Registration (Amendment) Act 2021.

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

(3) In this Act, the Births, Deaths and Marriages Registration Act 1975 is referred to as the “Principal Act”.

Section 11 amended

2. Section 11 of the Principal Act is amended by deleting “The father of every child born alive or stillborn in Fiji, or, in case of the death, illness, absence, or inability of the father, the mother of such child, or in case of the death, illness, absence, or inability of both the father and mother” and substituting “A parent of a child born alive or stillborn in Fiji, or, in the case of the death, illness, absence, or inability of both parents”.

2 *Births, Deaths and Marriages Registration (Amendment)*— of 2021

Section 15 amended

3. Section 15 of the Principal Act is amended by—

(a) deleting subsection (1) and substituting the following—

“(1) A person may only change his or her given name or surname if he or she is at least 18 years of age and if the change of name is registered in accordance with this section and any regulations made under this Act.”;

(b) in subsection (2), deleting “21 years and has never been married may by deed poll change the name of the child, whether as to his or her surname or as to any forenames” and substituting “18 years may only change the given name or surname of the child by registration in accordance with this section and any regulations made under this Act”; and

(c) in subsection (3)—

(i) deleting “deed poll under” and substituting “registration under”;

(ii) deleting “before the commencement of this section by deed poll” and substituting “by deed poll before the commencement of the Births, Deaths and Marriages Registration (Amendment) Act 2021”;

(iii) deleting “depositing the deed” and substituting “lodging the change of name registration form or deed as the case may be”; and

(iv) deleting “entry as to the birth” and substituting “birth certificate”.

Section 15A inserted

4. The Principal Act is amended after section 15 by inserting the following new section—

“Notification of change of name

15A. Where a person has changed his or her name under section 15, the Registrar must inform relevant state entities as approved by the Minister by notice in the Gazette, of the registration of the person’s new name.”.

Section 23 amended

5. Section 23(1) of the Principal Act is amended after “said register books” by inserting “in the form of a birth certificate, death certificate or marriage certificate as the case may be”.

Section 24 amended

6. Section 24 of the Principal Act is amended after “said duplicate register books” by inserting “in the form of a birth certificate, death certificate or marriage certificate as the case may be”.

Consequential amendments

7.—(1) The Electoral Act 2014 is amended in section 51(4) by deleting “or deed poll” and substituting “, deed poll or registration”.

(2) The Registration Act 1879 is amended in section 2 by deleting “, whether deeds *inter partes* or deed poll” and substituting “including deeds *inter partes*”.

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September 2021

**BIRTHS, DEATHS AND MARRIAGES REGISTRATION (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 Births, Deaths and Marriages Registration Act 1975 (**‘Act’**) provides for the registration of births, deaths and marriages in Fiji.
- 1.2 The Births, Deaths and Marriages Registration (Amendment) Bill 2021 (**‘Bill’**) seeks to amend section 11 of the Act to permit the mother of a child born alive or stillborn in Fiji to register her child and to give her equal status as that of the father of the child. At the moment, only the father of a child may register the child at first and the mother of the child may only register her child if the father of the child is deceased, ill, absent or is unable to register the child. The current provision has been considered discriminatory.
- 1.3 The Bill also seeks to amend section 15 of the Act to simplify the process of changing a person’s name. At the moment, a person has to register a deed poll at the Office of the Registrar of Deeds before his or her name can be changed by the Ministry of Justice. The proposed amendment removes the requirement for a deed poll and requires a person who wishes to change his or her name to do so by applying to have the change of name registered. In addition, at the moment only those who are 21 years of age or older are able to change their name by deed poll. The proposed amendment reduces the age to 18 years.
- 1.4 The Bill also seeks to amend sections 23 and 24 of the Act to refer to birth certificates, death certificates and marriage certificates.

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 or dates appointed by the Minister by notice in the Gazette.

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- 2.2 Clause 2 of the Bill amends section 11 of the Act so that the mother of a child is also permitted to register the birth of her child, thus having equal status as that of the father of the child.
- 2.3 Clause 3 of the Bill amends section 15 of the Act to allow those over the age of 18 years to change their name by registration. Clause 3 of the Bill also amends section 15 of the Act to change the requirements for changing a person's name by deed poll to registration.
- 2.4 Clause 4 of Bill inserts a new section 15A to the Act to require that the Registrar of Births, Deaths and Marriages notify relevant state entities as approved by the Minister by notice in the Gazette, of the registration of a person's name when a person has changed his or her name under section 15 of the Act.
- 2.5 Clauses 5 and 6 of the Bill amend sections 23 and 24 of the Act respectively to specify that the copies of the entries of the registers could be in the form of a birth certificate, death certificate or marriage certificate.
- 2.6 Clause 7 of the Bill provides for consequential amendments to the Electoral Act 2014 and the Registration Act 1879 as a result of the proposed amendments to section 15 of the Act.

3.0 MINISTERIAL RESPONSIBILITY

- 3.1 The Act comes under the responsibility of the Minister responsible for justice.

A. SAYED-KHAIYUM
Attorney-General