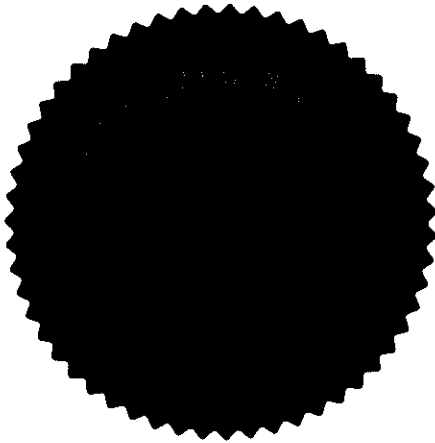



REPUBLIC OF KIRIBATI

(No. 3 of 2018)



I assent,

Beretitenti
13/10/2018

AN ACT

entitled

AN ACT TO MAKE PROVISION FOR THE REGISTRATION OF RELIGIOUS
BODIES; THE TRUSTEES OF RELIGIOUS BODIES AND FOR MATTERS
CONNECTED THEREWITH

Commencement:

2018

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti

Short Title

1. This Act may be cited as the *Religious Bodies Registration Act 2018*.

Commencement

2. This Act commences on a date to be appointed by the Minister.

Definitions

3. "Minister" means the Minister responsible for religious bodies;

"Religious Body" means any congregation, society or body in Kiribati consisting of or representing not less than 2 per cent of persons of the age of 18 years and upwards as indicated in the latest report of the Census Commissioner on the census of the inhabitants of Kiribati taken pursuant to the Census law currently in place;

"Register" means the Register of religious bodies established under section 5(4);

"Registrar" means the Registrar of religious bodies appointed under section 4;

"Registration" includes amendment, substitution, removal and withdrawal of that registration.

Registrar and registration of religious body

4. (1) There shall be a Registrar of religious body appointed by the Minister to carry out the duties and functions and exercise the powers vested in him under this Act.
- (2) Any religious body as defined by this Act may be registered as a religious body under this Act.
- (3) The power to register includes the power to amend, substitute, remove and withdrawal of any registration from the register.

Application for registration

5. (1) Subject to section 15, every religious body operating in Kiribati on the date of the commencement of this Act shall, within 6 months of such date, apply to the Registrar for the registration of the religious body.
- (2) Every application for registration shall be submitted to the Registrar by the duly recognised head of such religious body and shall consist of the following:-
 - (a) the name or denomination of the religious body applying;
 - (b) the names and addresses of the trustees of that religious body;
 - (c) a list of churches or other regular places of worship of the religious body in Kiribati;
 - (d) specify the place where the principal office of administration of the religious body is to be situated; and
 - (e) the constitution of the religious body and a full and clear statement of the objectives and beliefs (if any) of the religious body.
- (3) Every application shall be in the form set out in the Schedule to this Act and shall be signed by the duly recognised head and 5 other members of the religious body in the presence of an administrative officer;

Provided that if the religious body so requesting registration does not include and represent the adherents for the whole of the Islands to the religious denomination to which it belongs then such request shall include a consent to such application for registration by the duly recognised head in the Islands of the religious denomination to which such body belongs.

(4) The Registrar, after making such inquiries as he shall deem necessary for the purpose of confirming any of the matters included in such request, may at his discretion register the name and particulars of such religious body in a register book kept for the purpose and shall thereupon furnish to such religious body a certificate of registration in the Form 1 set out in the Schedule.

(5) The Registrar, shall refuse registration of a religious body's name which is identical with that of a name already registered.

(6) Where the Registrar chooses not to register any religious body he shall serve a notice to such religious body within 14 days stating reasons why such registration is refused.

(7) A certificate of registration issued by the Registrar shall be conclusive evidence that the requirements of this Act in respect of registration have been complied with and that the religious body has been registered under this Act on and from the date stated in the certificate, under the name contained in its certificate of registration.

(8) The Registrar shall publish in the Gazette a notice of every registration under this Act.

Application for a review

6. A religious body whose application for registration is refused by the Registrar may apply to the Minister for review within 14 days from the date on which their application is refused.

Registration of trustees

7. (1) A memorial of the names of the trustees for any religious body so registered shall be submitted to the Registrar for registration, provided that the trustees for any such religious body shall not exceed 5 in number.

(2) Such memorial shall be in the Form 2 in the Schedule and shall be signed by the duly recognized head of such religious body and two of the ministers, priests, deacons or elders thereof, and shall state that such trustees have been properly appointed in accordance with the constitution of such religious body:

Provided that the memorial of the names of trustees in respect of a religious body which does not include and represent the adherents for the whole of Kiribati to the religious denomination to which it belongs shall include a consent thereto by the duly recognised head in the Islands of the religious denomination to which such body belongs.

(3) On receipt of such memorial the Registrar shall enter the particulars thereof in a register book kept for that purpose and upon such registration the names of the persons for the time being so registered shall be taken for all purposes as the names of the trustees of such religious body.

Actions to be brought by or against trustees

8. (1) All actions and proceedings at law instituted or brought in relation to the property in Kiribati of any religious body shall be instituted or brought by or against the persons registered as trustees for the time being of such religious body and any such action or proceeding shall be carried to its final termination notwithstanding

any alteration in the registered trustees of such religious body after such action or proceeding has been commenced.

(2) All actions and proceedings instituted or brought on behalf of a religious body shall be instituted or brought by the trustees of such religious body at their discretion and any sum ordered by any court to be paid by any such trustees, either as damages, costs or otherwise, shall, unless the court shall order to the contrary, be payable out of the property of the religious body vested in such trustees.

Trustees to be beneficial owners of property

9. (1) The trustees registered under this Act shall for all purposes of dealing with any interest in land or other property be treated as the beneficial owners thereof:

Provided that in no case shall any such interest in land or other property devolve on the heirs or personal representatives of any trustees.

(2) Where any interest in land or other property has been or is hereafter acquired by or on behalf of any religious body the assurance vesting such property in such trustees shall not only vest the property assured in the parties named therein but shall also effectually vest the same in the survivor or survivors of such trustees and, on the appointment of new trustees, in the new trustees for the time being together with the continuing trustees, if any, jointly, or if there are no such continuing trustees then in such new trustees and in each such case such new trustees shall be registered in accordance with section 10 and without any further transfer or assurance whatsoever.

(3) The trustees for the time being registered under this Act may give, sell, exchange, lease or otherwise deal with any of the property vested in such trustees and may give valid receipt for any moneys paid to them in respect of the sale, exchange, lease or dealing with any such property.

Change of trustees

10. In the event of the death, resignation, or removal from his trust of any trustee of a religious body, the requisite alteration in the names of the trustees of such body shall be effected by a memorial in the Form 3 in the Schedule to be signed and registered in the same manner as prescribed in section 7 for the registration of a memorial of trustees and until such memorial is so registered such appointment of a new trustees shall have no operative effect.

Registration of changes

11. (1) A religious body shall lodge with the Registrar within 30 days of the change details of any changes that have taken place relating to:-

- (a) the name of the religious body; or
- (b) change of registered office and
- (c) the constitution or aims and beliefs of the religious body.

(2) Every change shall be lodged in the form set out in the Schedule to this Act and must be signed by the duly recognised head and 5 other members of the religious body in the presence of an administrative officer.

(3) The Registrar shall impose a fine of \$200 to any religious body which fails to comply with subsection (1).

Cancellation of registration

12. (1) If the Registrar is of the opinion that:-

- (a) a registration under this Act was obtained by fraud, misrepresentation or mistake; or
- (b) any of the objects of a religious body which has been registered have become unlawful; or
- (c) a religious body is being used for an unlawful purpose; or
- (d) a registered name is no longer used by a religious body; and
- (e) a religious body has failed to comply with any of the provisions of this Act.

the Registrar shall issue a notice to a religious body to provide explanation within 30 days as to why a registration should not be cancelled.

(2) If within 30 days of service of notice a religious body fails to satisfy the Registrar, he may cancel its registration by notice published in the Gazette.

(3) A religious body that continues to use its registration certificate after being cancelled shall be fined by the Registrar in the amount of \$500.

Offences - generally

13. Any person who commits an offence punishable under any other laws shall be reported to the Office of the Attorney General which shall deal with such person accordingly.

Repeal

14. The *Religious Bodies Registration Ordinance (Cap 89)* is hereby repealed.

Transitional

15. Nothing in this Act shall in any way affect or invalidate the registration of any religious body duly registered and made under the *Religious Bodies Registration Ordinance (Cap 89)* before the commencement of this Act.

Explanatory Memorandum

This Act repeals the Religious Bodies Registration Cap. 89 as stated in section 14. It seeks to make provision for new changes in particular to accommodate new issues which were not catered for in the Ordinance. Of significance is the desire of new religions to register. More powers is accorded to the Registrar of religious bodies in terms of registration as he or she can amend, substitute, remove or withdraw the registration if it does not comply with provisions of this Act. Further it empowers the Registrar to impose fines for non-compliance of this Act.

The Preliminary part is dealt with in sections 1 to 4 in terms of establishing the name of the Act, the date in which the Act will come into force, the definition clause and the establishment of the Registrar. A new definition of "registration" is added and this definition expands the meaning of registration to include the power to amend, substitute, remove and withdrawal of such registration from the register. This was also reflected under the Registrar's power in section 4(3).

An application to register is stated in section 5 and allows religious bodies to apply to the registrar. The application is to be submitted in the form set out in subsection 3 by the head of that body and must comply with the requirements provided in subsection 2. The Registrar will register the name of the religious body in a register book if all the requirements are met and will provide a certificate of registration in a proper form as evidence of their registration (subsections (4) and (7)). The Registrar shall refuse registration of a religious body's name which identical with a name already registered. (subsection 5). The Registrar can also refuse to register a body but must notify the religious body within 14 days and provide reasons. (subsection (6)) Any religious body whose application is refused may apply to the Minister for review. (section 6).

The registration of trustees is provided in section 7 which must be submitted by the head of the religious body to the registrar. A trustees must not exceed 5 people section 7(1), and made in a proper form (7(2)) and the Registrar shall enter the particulars in the register book section 7(3). The reason for registering trustees is to give them legal basis to institute any legal proceedings for and against the religious body as stated in section 8. Section 9 provides for trustees to be beneficial owners of property meaning they will administer the property of that religious body.

Change of the registered trustees is stated in section 10 and it provides that when the trustees dies, resigned and removed the change in the memorial of new trustees will be effected in the same process provided for in section 7. If this change is not registered then their appointment will be of no effect.

Section 11 says that a registration of change must be carried out within 30 days of the change in detail in respect of the name, office and constitution or aims of that religious body. A new form is created in subsection 2 that a change must be filed in the prescribed form by the duly recognised head and 5 other members in the presence of the administrative officer. The Registrar is given the mandate to impose fine under subsection 3 if the religious body failed to comply with subsection (1).

Cancellation of registration is laid out in section 12. If the Registrar is of the opinion that a registration is obtained by fraud, misrepresentation, mistake, the objects and the purpose have become unlawful, a registered name is no longer used or had failed to

comply with the provisions of this Act the Registrar must issue a notice to that religious body to provide reasons within 30 days as to why the registration should not be cancelled. A fine of \$500 is stated in section 12(3) that the Registrar shall impose.

Section 13 talks on offences generally that must be reported to the office of the Attorney General to deal with it accordingly. The repeal section has been discussed earlier and transitional provision is stated in section 15 which provide for registration made under the repealed Ordinance to be continually recognized under this Act.

Honourable Vice President Kourabi Nenem
Minister for Women, Youth & Social Affairs

**CERTIFICATE OF THE CLERK OF THE MANEABA NI
MAUNGATABU**

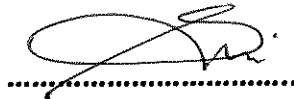
This printed impression of the Religious Bodies Registration Act 2018 has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on the 20th August 2018 and is found by me to be a true and correctly printed copy of the said Bill.



PP Eni Tekanene

Clerk of the Maneaba ni Maungatabu

Published by exhibition at the Maneaba ni Maungatabu this ¹³ day
of October 2018.



Eni Tekanene

Clerk of the Maneaba ni Maungatabu