

REPUBLIC OF KIRIBATI

PASSPORTS ACT 1979.

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REPUBLIC OF KIRIBATI.

No. 3 of 1979

I assent.

A. T. Tabai
Beretitenti.
24 November 1979.

~~A BILL~~

entitled

AN ACT TO MAKE PROVISION FOR THE ISSUE OF PASSPORTS
FOR THE PRODUCTION OF PASSPORTS BY PERSONS LEAVING
OR ENTERING KIRIBATI AND FOR MATTERS CONNECTED THERE-
WITH AND INCIDENTAL THERETO

Commencement:

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

Short title.

1. This Act may be cited as the Passports Act 1979.

Commencement

2. This Act shall come into operation on such date as the Minister may, by notice in the Gazette, appoint.

Interpretation

3. In this Act, unless the context otherwise requires -

"appropriate form" means a form approved by the Minister for use in any particular case pursuant to the provisions of this Act;

"immigration officer" means an immigration officer appointed under the provisions of any Act relating to immigration;

"master" includes the pilot of an aircraft;

"overseas representative" means a diplomatic or consular representative of Kiribati in any country and includes any person having authority to act as such on behalf of the Government of Kiribati;

"passport" means a current valid travel document which is issued by or on behalf of the Government of any country, containing a photograph and a personal description of the holder which purport to establish the identity and nationality or citizenship of the holder, or which gives a right of re-entry to that country;

"Passport Officer" means the person appointed by the Minister to exercise the powers conferred under this Act and includes any other person designated by the person so appointed;

"vessel" includes an aircraft.

Issue and
cancellation
of passports.

4.(1) The Passport Officer shall, upon application made to him in the appropriate form, issue to any citizen of Kiribati who satisfies such conditions as may be prescribed, a passport in an approved form.

(2) Any passport issued under the last preceding subsection may be withdrawn or cancelled by the Passport Officer upon an order of the Minister the holder of the passport -

(a) renounces his citizenship of Kiribati in accordance with provision made under section 28(b) of the Constitution;

(b) or deprived of his citizenship in accordance with provision made under section 28(d) of the Constitution,

and thereupon any such passport shall become void.

Power to renew and endorse passports.

5. The Passport Officer shall, upon application made to him in the appropriate form, renew and endorse passports.

Failure to deliver passport.

6. Where a passport has been withdrawn or cancelled under the provisions of section 4 of this Act, the Passport Officer may require the holder of such passport, by notice in writing served upon him personally, to deliver the passport within such reasonable time as may be specified in the notice and if he fails to do so without reasonable cause he shall be guilty of an offence.

Obtaining passport by false statement.

7. Any person who, for the purpose of obtaining a passport, or a renewal or endorsement in respect thereto, makes any representation or statement which he knows to be false or calculated to mislead in a material particular, or recklessly makes any statement which is false or calculated to mislead in a material particular, shall be guilty of an offence.

Power to take possession of passport.

8.(1) It shall be lawful for the Passport Officer any immigration officer or police officer to take and retain possession of any passport in any case where he has good reason to believe that the passport is in the wrongful possession of any person, or that the passport or a renewal or endorsement in respect thereto has been obtained by means of any false or misleading representation or of any statement that is false or calculated to mislead in a material particular.

(2) Any person having in his possession or under his control any such passport shall, on demand, forthwith deliver such passport to the Passport Officer, immigration or police officer.

(3) Any person who fails without reasonable excuse so to deliver any such passport upon demand shall be guilty of an offence.

Power to issue certificates of identity or other travel documents.

9.(1) Whenever it is not reasonably practicable to issue a passport, the Passport Officer may issue a certificate of identity or other travel document which shall be in the appropriate form.

(2) The provisions of this Act relating to passports shall, subject to such modifications and adaptations as may be necessary, apply to certificates of identity or travel documents issued under the provisions of the last preceding subsection.

Issue of pass-
ports by over-
sea representat-
ives.

10.(1) The Minister may, from time to time, authorise any overseas representative to exercise in the country in which he represents Kiribati all or any of the powers and functions of the Passport Officer under this Act and in every such case the provisions of this Act shall, so far as they are applicable and with such adaptations and modifications as may be necessary, apply accordingly.

(2) In the exercise of any such powers or functions every overseas representative shall act in accordance with such directions, general or special, not inconsistent with the provisions of this Act, as may from time to time be given by the Minister.

(3) Any authority or directions under this section may be given to a specified person or to persons of a specified class, or may be given to the holder or holders for the time being of a specified office or appointment or class of offices or appointments.

Leaving of
passports
already
issued, etc.

11. All passports and all renewals and endorsements in respect of passports issued, made or granted in the former Gilbert Islands Colony or the former Gilbert and Ellice Islands Colony or on behalf of the Government of the former Gilbert Islands Colony or the former Gilbert and Ellice Islands Colony before the commencement of the Constitution, and generally all acts of authority in relation to any such passports, renewals and endorsements which were subsisting or in force at the commencement of the Constitution shall continue to have effect for a period of six months from the commencement of this Act or for such longer period as the Minister may authorise.

Leaving or
entering
Kiribati
without
passport.

12.(1) Subject to the provisions of subsection (3) of this section, no person shall leave or enter Kiribati unless he is in possession of a valid passport issued by or on behalf of the Government of a country of which he is a national or citizen.

(2) Every person leaving or entering Kiribati shall, on demand by the Passport Officer or any immigration officer, produce his passport.

(3) The Minister may exempt, either conditionally or unconditionally, or upon or subject to such conditions as he may think fit to impose, any person or specified class of persons from compliance with the provisions of subsection (1) of this section.

Power to order
passports to be
delivered up.

13.(1) Any person who is required to produce his passport under the provisions of the last preceding section shall, if so required, and subject to such directions as may be given by the Minister, deliver his passport to the Passport Officer or immigration officer before leaving the vessel in which he enters Kiribati or at any time while he is in Kiribati.

(2) Any passport delivered to the Passport Officer or immigration officer under the provisions of the last preceding subsection shall, subject to such directions as may be given by the Minister, be returned to the person who delivered it on such person leaving Kiribati.

(3) Any person who fails without reasonable cause to deliver his passport as and when required in accordance with the provisions of this section shall be guilty of an offence.

Visas.

14.(1) No person other than a national or citizen of any country specified in an order made under the provisions of the next succeeding subsection shall enter Kiribati unless he is in possession of a valid and current visa.

(2) The Minister may, by order published in the Gazette, specify countries the nationals or citizens of which shall be exempted from obtaining a visa before entering Kiribati.

(3) A stateless person or a national or citizen of any country not exempted under the provisions of the last preceding subsection shall not be allowed to enter Kiribati unless he has previously obtained a visa from the Passport Officer, an overseas representative or such other person as may be authorised by the Minister to issue visas on behalf of the Government of Kiribati.

(4) Nothing in this section shall be construed as exempting any person entering Kiribati from compliance with any law relating to immigration in force at the time he enters Kiribati.

Alteration,
etc., of
passport.

15.(1) Any person, other than the Passport Officer or any person acting under the authority of the Minister, who knowingly makes any alteration, addition, deletion or erasure to or in any passport issued under the provisions of this Act shall be guilty of an offence.

(2) A passport shall be invalid if any page has been removed therefrom or if any unauthorised alteration, addition, deletion or erasure has been made thereto or therein.

Offences,
penalties,
etc.

16.(1) Every person who is guilty of an offence against this Act, or contravenes the provisions of this Act or any regulation made thereunder, shall be liable on conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(2) Any person who incites or aids and abets any other person to commit or harbours any person whom he knows or has reasonable grounds for believing to have committed an offence against this Act shall be liable on conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(3) Where any person is tried for an offence against this Act, the offence shall be deemed to have been committed either at the place where the offence has actually been committed or at any place in which the offender may be found.

(4) Every person who contravenes the requirements of section 12(1) or (2) shall, in addition to the penalties prescribed under this section, be liable to be deported by order of the Minister, and it shall be lawful for the Minister to order that any such person be detained either in prison or elsewhere for such period as may be necessary for the purpose of making arrangements for his deportation.

(5) Any person who is ordered to be deported under the provisions of subsection (4) may be placed on board a suitable vessel by a police officer, and may be lawfully detained on board so long as the vessel is within the territorial waters of Kiribati.

Masters and owners of vessels liable for expenses.

17. The master, owners and agents of any vessel from which any person lands in Kiribati contrary to the provisions of this Act shall be jointly and severally liable for all expenses incurred by the Government in detaining and maintaining such person pending deportation, and such expenses shall be recoverable as a debt due to the Republic from the master, owners and agents of such vessel.

Master may prevent landing.

18. The master of a vessel may use all necessary and proper means, including force, to prevent any person landing in Kiribati contrary to the provisions of this Act.

Expenses of deportation.

19.(1) When a deportation order is made by the Minister under the provisions of section 16 the master of the vessel in which the person is brought to Kiribati or the master of any vessel belonging to the same owners shall, if required in writing by the Minister, receive such person on board his vessel and afford him free of charge a passage to the port at which such person embarked.

(2) If the master of a vessel fails to comply with the provisions of this section he shall be liable on summary conviction to a fine of one thousand dollars.

Regulations.

20.(1) The Minister may make Regulations for carrying the provisions of this Act into effect.

(2) In particular and without prejudice to the generality of the foregoing power such Regulations may be made -

- (a) prescribing the conditions to be satisfied for the issue of passports;
- (b) regulating the issue, renewal or endorsement of passports;
- (c) prescribing the procedure for replacing passports and the action to be taken in relation to lost or damaged passports;
- (d) regulating the issue of visas;
- (e) the imposition and recovery of fees in relation to the issue, renewal or endorsement of passports and grant of visas; and
- (f) exempting any class of persons or nationals or citizens of any country from payment of fees.

This printed impression has been carefully examined by me with the Bill which was passed by the Maneaba ni Maungatabu on 25 September 1979 and is found by me to be a true and correctly printed copy of the said Bill.

M. Taniera

Clerk of the Maneaba ni Maungatabu

I certify that the above Bill was, on 25 September 1979, passed by the Maneaba ni Maungatabu after resolving, by a vote of 34 for and 6 against, to proceed, under section 68(3)(b) of the Constitution with it.

Rota Onorio
Speaker.

26 November 1979

Published by exhibition at the Public Office of the Beretitenti
November 1979.

Secretary to the Cabinet.

PASSPORTS ACT 1979

EXPLANATORY MEMORANDUM

The Bill would enable a citizen of Kiribati to obtain a passport.

Provision is made in the Bill for admission into and departure from Kiribati of persons holding valid passports.

Further control will be exercisable over entry into Kiribati by recourse to the provisions of Clause 14 of the Bill which relates to the requirements for a visa.

Deportation would be one of the sanctions which could be imposed for entering Kiribati without a passport.

A passport issued in Kiribati before the date of commencement of the Constitution (12 July 1979) would continue in force for six months from that date, the status of the holder being described in the passport as "Commonwealth citizen".

There is provision for regulations to be made under the Act and those regulations will enable a seaman who is a citizen of Kiribati to obtain a certificate of identity.

C J Lynch
Attorney General