



## REPUBLIC OF VANUATU

# VANUATU NATIONAL IDENTITY ACT NO. 27 OF 2021

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# REPUBLIC OF VANUATU

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

## VANUATU NATIONAL IDENTITY ACT NO. 27 OF 2021

An Act to provide for the issuing of national identity cards, and for related purposes.

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 provide for the legal framework for the issuance of national identity cards, being a card that serves as a unique personal identity document confirming a person's legal identity and citizenship; and
- (b) by the issuance of national identity cards, to facilitate the administration and execution of electoral, taxation, health, immigration and land Acts, and any other Acts relating to the legal identity of a person.

#### 2 Interpretation

In this Act, unless the contrary intention appears:

**approved form** means a form approved by the Registrar-General under section 28;

**approved place** means such other places approved by the Registrar-General under subsection 4(3);

**authorised person** means a person appointed to be an authorised person under section 27;

**Central Register** has the same meaning as in the CRIM Act;

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

**CRIM Act** means the Civil Registration and Identity Management Act No. 28 of 2021;

**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;

**Minister** means the Minister responsible for Civil Registration and Identity Management;

**National Identity Card** means a personal identification document verifying a person's legal identity that is issued or renewed under this Act;

**national identification number** means a unique sequence of decimal digits for the unique identification of a person and to facilitate the interoperability of civil registers in the Central Register;

**officer** means a permanent or temporary officer of the Department;

**Registrar-General** has the same meaning as in the CRIM Act.

## **PART 2 NATIONAL IDENTITY CARD**

### **3 Validity of a National Identity Card**

A National Identity Card is valid for:

- (a) 2 years for a person who is under 5 years of age; and
- (b) 5 years for a person who is 5 to 18 years of age; and
- (c) 10 years for a person who is over 18 years of age.

### **4 Application for a National Identity Card**

- (1) A person is to apply to the Department for a National Identification Card.
- (2) An application for a National Identity Card must be made in the approved form.
- (3) The application must be delivered to the Department or a place approved by the Registrar-General.
- (4) A person who turns 18 years of age must apply to the Department for a National Identity Card.
- (5) A person who has been granted citizenship, must apply for a National Identity Card within 28 days after being granted citizenship.

### **5 Application to be made in person unless an exempt person**

- (1) For the purpose of this section, **exempt person** means a person who:
  - (a) is suffering from a serious incapacity, disability or illness; or
  - (b) is in a correctional centre,

and the Registrar-General is satisfied that it is impractical for him or her to apply for a National Identity Card in person.

- (2) A person must apply for a National Identity Card in person unless he or she is an exempt person.

- (3) The following persons may apply for a National Identity Card on behalf of an exempt person:
- (a) a parent or guardian of the exempt person; or
  - (b) a legal representative of the exempt person; or
  - (c) any other family member of the exempt person apart from paragraph (a).
- (4) The Registrar-General may request a person to provide a medical certificate for the purpose of paragraph (1)(a).

**6 Application for a person under 18 years of age**

- (1) If a person is under 18 years of age, the following person may apply for his or her National Identity Card:
- (a) both of his or her parents or guardians, or one of his or her parents or guardians; or
  - (b) the government agency responsible for the protection of children.
- (2) The person who is under 18 years of age must attend in person, with his or her parent or guardian, at the Department or an approved place for the purpose of the application.

**7 Requirement for further information or documents**

- (1) The Registrar-General may request the applicant in writing to provide to the Registrar-General additional information or documents.
- (2) The additional information or document must:
- (a) identify the person in respect of whom the application is made; or
  - (b) enable the Registrar-General to decide whether the person is eligible to be issued with a National Identity Card.

## **PART 3 ISSUING OF A NATIONAL IDENTITY CARD**

### **8 Issuing of National Identity Card**

- (1) The Registrar-General must issue a National Identity Card to an applicant if:
  - (a) the application is made in the approved form; and
  - (b) the applicant's details are registered in the Central Register; and
  - (c) the applicant is a citizen.
- (2) To avoid doubt, an exempt person under section 5 and a person who is under 18 years of age referred to in section 6 are applicants for the purposes of subsection (1).

### **9 Timeframe for issuing a National Identity Card**

The Registrar-General must issue to the applicant, his or her National Identity Card, as soon as practicable after the Registrar-General has received the applicant's application.

### **10 Collection of a National Identity Card**

- (1) A National Identity Card must be collected in person by the following persons:
  - (a) the applicant; or
  - (b) a person authorised in writing by the applicant; or
  - (c) the person specified in the application to collect the applicant's National Identity Card.
- (2) A National Identity Card must be collected within the prescribed period.
- (3) The authorisation made under paragraph (1)(b) must be provided to the Registrar-General.

### **11 National Identity Card Fees**

A person is not required to pay a National Identity Card fee for:

- (a) the first issuing of the National Identity Card; and
- (b) the renewal of the National Identity Card on expiry.

### **12 National Identity Card Form**

A National Identity Card must be issued in the approved form and include security features and other technical details as determined by the Registrar-General.

### **13 Biometric data to be included on a National Identity Card**

The National Identity Card of a person must include the person's facial image and other biometric data as determined by the Registrar-General.

### **14 Data to be included on a National Identity Card**

- (1) For the purposes of this section, QR Code means a machine-readable code consisting of an array of black and white used for storing data for reading by a camera on a smartphone or other device.
- (2) The National Identity Card of a person must include:
  - (a) the person's given name or names; and
  - (b) the person's surname; and
  - (c) the sex of the person; and
  - (d) the person's date of birth; and
  - (e) the person's national identification number; and
  - (f) a QR Code; and
  - (g) the date of issue and expiration of the National Identity Card; and
  - (h) any other data determined by the Registrar-General.



- (3) The QR Code must include:
- (a) the data referred to in paragraphs (2)(a), (b), (c), (d) and (e); and
  - (b) the person's biometric data for identification; and
  - (c) any other data determined by the Registrar-General.

## **PART 4 RENEWAL OF A NATIONAL IDENTITY CARD**

### **15 Renewal of a National Identity Card**

A National Identity Card is to be renewed if:

- (a) the National Identity Card:
  - (i) has expired; or
  - (ii) is stolen, lost or destroyed; or
  - (iii) is damaged and its integrity is no longer be guaranteed; or
  - (iv) contains inaccurate records relating to the Central Register; or
- (b) the personal data of the holder has changed; or
- (c) the holder of the National Identity Card requests that it be renewed and provides to the Registrar-General a reasonable explanation.

### **16 Application for renewal**

- (1) A person must apply in the approved form for the renewal of his or her National Identity Card.
- (2) Sections 5, 6 and 7 are to apply to an application for the renewal of a National Identity Card.

### **17 Renewal of a National Identity Card**

- (1) The Registrar-General must renew a person's National Identity Card if:
  - (a) an application for renewal has been made in the approved form; and
  - (b) the person's details are registered in the Central Register; and
  - (c) the person is a citizen.

- (2) A person must provide to the Registrar-General, his or her existing National Identity Card (unless the Card has been stolen, lost or destroyed), regardless of whether the existing National Identity Card is valid or not, when collecting his or her renewed National Identity Card.

## **PART 5 OTHER MATTERS FOR A NATIONAL IDENTITY CARD**

### **18 Theft, loss or destruction of a National Identity Card**

A person whose National Identity Card is stolen, lost or destroyed must, as soon as practicable, notify an officer or an authorised person.

### **19 Invalid National Identity Card**

- (1) A person's National Identity Card ceases to be valid:
  - (a) if:
    - (i) he or she dies; or
    - (ii) the National Identity Card has expired; or
    - (iii) the person loses his or her citizenship; or
  - (b) in any other circumstances prescribed by the Regulations.
- (2) If a person's National Identity Card ("existing card") is renewed, his or her existing card ceases to be valid when the renewed National Identity Card is issued.

### **20 Population Register**

- (1) For the purpose of this section, **Population Register** has the same meaning as in the CRIM Act.
- (2) Any data on the validity or invalidity of a National Identity Card and on the return or non-return of an invalid National Identity Card, must be entered in the Population Register on the next working day after receiving the data.
- (3) A National Identity Card must be recorded as invalid in the Population Register in accordance with the prescribed criteria.

**21 Lost or invalid National Identity Cards**

- (1) If a person finds another person's National Identity Card, he or she must return it to an officer or an authorised person as soon as practicable after finding it.
  
- (2) If an officer or an authorised person is satisfied that a person is in possession or control of an invalid National Identity Card, then, upon request, the person must give the National Identity Card to the officer or the authorised person.

## **PART 6 OFFENCES**

### **22 National Identity Card not to be defaced or altered**

- (1) A person must not intentionally deface or alter a National Identity Card.
- (2) A person who contravenes subsection (1), commits an offence punishable on conviction by a fine not exceeding VT500,000 or by a term of imprisonment not exceeding 2 years, or both.

### **23 False National Identity Card**

- (1) A person must not without reasonable excuse, be in possession or control of a National Identity Card that:
  - (a) has not been issued or renewed under this Act; and
  - (b) resembles a National Identity Card that it is capable of being mistaken for a National Identity Card.
- (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 5 years, or both.

### **24 False statements**

- (1) A person must not, in connection with an application for the issue or renewal of a National Identity Card, make concerning the identity of the person to be issued with the National Identity Card, a statement or representation that the person knows to be false or misleading.
- (2) A person who contravenes subsection (1), commits an offence punishable on conviction by a fine not exceeding VT500,000 or by a term of imprisonment not exceeding 2 years, or both.

## **PART 7 MISCELLANEOUS PROVISIONS**

### **25 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.

### **26 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.

### **27 Authorised persons**

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

### **28 Approved forms**

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

### **29 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.

### **30 Regulations**

- (1) The Minister may, on the advice of the Registrar-General, by Order make Regulations not inconsistent with this Act for the better carrying out or to give effect to the provisions of this Act.
- (2) Without limiting subsection (1), the Regulations may prescribe:
  - (a) fees for the renewal of a National Identity Card; and
  - (b) exemption for the payment of fees for certain circumstances to renew a National Identity Card; and
  - (c) fines not exceeding VT100,000 in respect of offences under the Regulations.

### **31 Transitional provisions**

On and after the commencement of the Civil Registration and Identity Management Act No. 28 of 2021, a National Identity Card issued under the Civil Status (Registration) Act [CAP 61] is taken to have been issued under this Act.



**32 Commencement**

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