

REPUBLIC OF KIRIBATI
(No. 5 of 1989)

I assent,

(Sgd: I. Tabai)
Beretitenti.
29/03/1990

**AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A CORPORATE BODY
TO BE KNOWN AS THE KIRIBATI RED CROSS SOCIETY AND FOR
CONNECTED PURPOSES**

Commencement:
1989

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

**PART I
PRELIMINARY**

Short title and commencement

1. This Act may be cited as the Kiribati Red Cross Society Act 1989 and shall come into operation on such date as the Minister may appoint by notice.

Interpretation

2. In this Act unless the context otherwise requires –

"the Committee" means the branch of the British Red Cross Society which was operating in Kiribati immediately before the date on which this Act came into operation;

"Scheduled Conventions" means the conventions specified in the Schedule to this Act;

"the Society" means the Kiribati Red Cross Society established by section 3 of this Act;

"statutes" means the statutes made under section 5 of this Act.

**PART II
KIRIBATI RED CROSS SOCIETY AND ITS OBJECTS**

Establishment of the Society

3. (1) There is hereby established a corporation to be called the Kiribati Red Cross Society which shall be the sole national Red Cross Society in Kiribati.

(2) The Society shall be a body corporate with perpetual succession and a common seal with power to purchase, take, hold and dispose of movable and immovable property, to enter into contracts, to sue and be sued in its corporate name and do such other acts as it may consider

necessary or expedient for the purpose of performing its functions or achieving its objects under this Act.

(3) All assets and liabilities of the Committee are hereby transferred to, and shall be vested in, the Society by virtue of this section and without any further assurance and the Society shall have all the powers necessary to take possession of, recover and deal with such assets and discharge such liabilities.

(4) All contracts, bonds, deeds and other legal instruments subsisting immediately before the day on which this Act came into operation to which the Committee is a party shall be of full force and effect against or in favour of the Society and enforceable as fully and effectually as if, instead of the Committee, the Society had been a party thereto.

(5) All officers and other employees of the Committee shall hold corresponding appointments in the Society until the Society decides otherwise.

(6) Subject to the statutes of the Society, all associates and life associates of the Committee shall become corresponding subscribing members and life members of the Society.

Governing body of the Society

4. (1) The governing body of the Society shall be a Council constituted in accordance with the Society's statutes made under this Act.

(2) The Society shall also establish a management committee with such duties and powers as may be prescribed under the statutes referred to in subsection (1) of this section.

(3) The first members of the Council referred to in subsection (1) of this section shall be the persons who, immediately before the date on which this Act came into operation, were the executive members of the Committee.

Statutes of the Society

5. (1) The Council referred to in subsection (1) of section 4 of this Act shall, within 3 months from the date on which this Act comes into operation, draft or frame and adopt a constitution which shall be the statutes for the management of the affairs of the Society and the attainment of its objects.

(2) Without limiting the generality of subsection (1) of this section such constitution may provide that –

- (a) membership of the Society shall not be withheld from any citizen of Kiribati on the ground of sex, race, nationality, religion or faith, political opinion or any other similar criteria; and
- (b) all members and associate of the Society shall be represented on the Council of the Society referred to in subsection (1) of section 4 of this Act.

(3) A constitution adopted pursuant to subsection (1) of this section may from time to time be altered, added to or repealed by the Council and a new constitution may from time to time be adopted in like manner.

(4) A constitution adopted under this section need not be published by exhibition at the Public Office of the Beretitenti and accordingly section 17(1) of the Interpretation and General Clauses Ordinance shall not apply thereto.

Objects of the Society

6. (1) The objects of the Society shall be –
- (a) to furnish volunteer aid to the sick and wounded in time of war and to non-belligerents, prisoners of war and civilians suffering from the effects of war;
 - (b) in times of catastrophes and public disasters, to provide the victims thereof with relief;
 - (c) in times of peace of war, to carry on and assist in the improvement of the health of members of the public, the prevention of diseases and the mitigation of suffering in Kiribati and throughout the world;
 - (d) to promote the Red Cross youth movement among the youth of all races; and
 - (e) to propagate the ideals and the humanitarian principles of the Red Cross with a view to developing a feeling of solidarity and mutual understanding among all peoples and nations.

(2) In pursuing the objects referred to in subsection (1) of this section, the Society shall not make any adverse distinction based on sex, race, nationality, religion or faith, political opinion or any other similar criteria, and shall act at all times in accordance with the spirit and principles enshrined in the Scheduled Conventions.

PART III STATUS OF THE KIRIBATI RED CROSS SOCIETY, ETC

Society recognised as voluntary aid society

7. The Society is hereby recognised by the Government as a voluntary aid society auxiliary to the public or Governmental authorities or agencies in Kiribati both for the purpose of the Scheduled Conventions and otherwise, and may, in conformity with the Scheduled Conventions, use the heraldic emblem of a red cross on a white background.

Independence of Society

8. The independent and voluntary nature of the Society shall at all times be respected in accordance with the resolution relating to National Red Cross Societies adopted by the General Assembly of the United Nations on the 19th day of November, 1946.

PART IV MISCELLANEOUS

Protection of emblems, etc

9. (1) No person, other than a person so authorised under the Scheduled Conventions, shall use for any purpose whatsoever any of the following emblems or designations –

- (a) the emblem of a red cross with vertical and horizontal arms of the same length on, and completely surrounded by, a white background, or the designation "Red Cross" or "Geneva Cross";
- (b) the emblem of a red crescent moon on, and completely surrounded by, a white background, or the designation "Red Crescent";
- (c) any design or wording so nearly resembling any of the emblems or designations referred to in this section as to be capable of being mistaken for, or, as the case may be, understood as referring to, any one of these emblems or designations.

Offences

10. Any person who contravenes any of the provisions of section 9 of this Act commits an offence and shall be liable upon conviction to a fine not exceeding \$2000.00 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.

Regulations

11. The Minister may make regulations for the purpose of giving full effect to this Act and for its due administration.

SCHEDULE

1. Geneva Convention for the Amelioration of the Condition of the Wounded and Sick of Armed Forces in the Field, of the 12th August, 1949;
2. Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, of the 12th August 1949;
3. Geneva Convention relative to the Treatment of Prisoners of War, of the 12th August 1949;
4. Geneva Convention relative to the Protection of Civilian Persons in time of War, of the 12th August, 1949.

KIRIBATI RED CROSS ACT 1989

EXPLANATORY MEMORANDUM

1. The main object of this Act is to incorporate the Kiribati branch of the British Red Cross Society (which has been operating in Kiribati before and since independence as the Kiribati Red Cross Committee) as a corporate body with autonomous status as a means, among other things, of granting the Society recognition as a voluntary aid society auxiliary to the public authorities of Kiribati.

2. It is the ardent wish of the existing Red Cross Committee to apply to the International Committee of the Red Cross (I.C.R.C.) and similar international bodies for recognition as a National Red Cross Society.

3. When applying for such recognition, however, it will be necessary to submit to the ICRC, a copy of the appropriate governmental law granting the Society recognition as a voluntary aid society as mentioned in paragraph 1 above.

4. This Act therefore seeks –

- (a) in section 3, to establish the Kiribati Red Cross Society as a corporate body to which shall be transferred all assets and liabilities of the existing Red Cross Committee. All officers and other employees of the Committee shall also hold corresponding appointments in the Society;
- (b) in sections 4 and 5 to, among other things, provide for the establishment of a governing council which shall be the governing body of the Society and a management committee, as well as the adoption of a constitution which shall be the statutes of the Society;
- (c) in section 6, to spell out the objects of the Society;
- (d) in section 7 and 8, to accord Government recognition to the Society as a voluntary aid society auxiliary to the Kiribati public authorities and assert the independent voluntary nature of the Society;
- (e) in section 9, to make provision for the protection of the emblems and certain designations of the Society from abuses and their use for unauthorised purposes;
- (f) in section 10, to prescribe penalties for the abuses and unauthorised uses of the Society's emblems and designations referred to in (e) above; and
- (g) in section 11, to empower the Minister to make regulations for the purpose of giving full effect to the Act and for its due administration.

Michael N. Takabwebwe
Attorney General