



REPUBLIC OF NAURU
PARTNERSHIP BILL 2018

No. of 2018

A Bill for an Act to repeal and replace the Partnership Act 1976 and to provide for the registration of partnerships and for related purposes

Certified: []

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Enacted by the Parliament of Nauru as follows:

PART 1 - PRELIMINARY

1 Short title

This Act may be cited as the *Partnership Act 2018*.

2 Commencement

This Act commences on 15 January 2019.

3 Interpretation

'business' means any form of economic activity, trade, profession, commerce, craftsmanship, calling or other activity carried on for the purpose of generating revenue for gain;

'business name' for the purposes of this Act means the name and style under which a business is carried by the partnership either in its own name or a different business name and registered under the Business Names Registration Act 2018 as a firm;

'certificate' means a certificate of registration of partnership issued under section 12;

'corporation' includes a corporation incorporated under the Corporations Act 1972 and a foreign corporation;

'firm' has the same meaning given to it under the Business Names Registration Act 2018 and in case of a partnership, the partners shall register a firm in addition to registration of the partnership under this Act;

'firm-name' means the name under which the business of a firm is registered under the Business Names Registration Act 2018 and carried on;

'Minister' means the Minister for Justice;

'partner' means a person who is involved in a partnership;

'Partnership' means an unincorporated body of two or more individuals or of one or more individuals and one or more corporations, or two or more corporations, who or which have entered into partnership with one another with a view to carry on business registered under this Act and trading as a firm under the Business Names Registration Act 2018;

'partnership property', in relation to any partnership, means property, and rights and interests in property, originally brought into the partnership business or acquired, whether by purchase or otherwise, on account of the firm or for the purposes and in the course of the partnership business;

'person' includes an individual, partnership and an unincorporated or corporate body to which this Act applies and any branch thereof;

'Registrar' means the Registrar of Partnerships;

'Register' means a register kept and maintained by the Registrar under section 7;

'the Court' means the District Court.

4 Scope

A Partnership registered under this Act shall comply with the Business Licences Act 2017 and Business Names Registration Act 2018 prior to carrying out any business activity.

5 Application of the Act

This Act shall not apply to:

- (a) Nauru Phosphate Royalties Trust;
- (b) any decision as to the joint ownership of land by the Nauru Lands Committee exercising its jurisdiction under the Nauru Lands Committee Act 1956;
- (c) any ownership of land under the Regulations Governing Intestate Estate 1938 also referred to as Administration Order No. 3 of 1938; and
- (d) ownership of land as joint tenants or tenants in common whether such ownership results in the generation of revenue for profit or gain.

PART 2 – PARTNERSHIP REGISTRATION

6 Registrar of Partnerships

- (1) There shall be established an office of the Registrar of Partnerships.
- (2) The Secretary for Justice shall be the Registrar.
- (3) The Registrar shall:
 - (a) keep and maintain the Register;
 - (b) perform the functions and duties conferred on him or her under this Act;
 - (c) do all things as are necessary to be done in the proper administration of this Act; and
 - (d) keep and maintain the records for applications, and other documents required to be lodged or filed by persons seeking registration of the partnership under this Act.
- (4) The Registrar has the powers expressly conferred by this Act to be able to perform his or her functions and exercise powers under this Act.