



Tuvalu

RELIGIOUS BODIES RESTRICTION ACT

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RELIGIOUS BODIES RESTRICTION ACT

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RELIGIOUS BODIES RESTRICTION ACT

AN ACT TO RESTRICT THE SPREAD OF BELIEFS AND PRACTICES BY RELIGIOUS ORGANISATIONS AND ASSOCIATIONS OF PERSONS IN A MANNER WHICH UNDERMINES THE TRADITIONAL AUTHORITY OF THE FALEKAUPULE AND THE TRADITIONAL VALUES OF ISLAND COMMUNITIES¹

Commencement [1 January 2011]

1 Short title

This Act may be cited as the Religious Bodies Restriction Act.

2 Commencement

This Act shall come into operation on such date as the Minister by notice appoints.

3 Interpretation

In this Act, unless the context requires otherwise: -

“Falekaupule” has the meaning given in the Falekaupule Act;

“Falekaupule Area” has the meaning given in the Falekaupule Act.

4 Restriction on establishment of religious organisations within Falekaupule Area

- (1) Except with the prior approval of a Falekaupule with authority for the respective Falekaupule Area, and upon such conditions as a Falekaupule may impose, there shall not be established in any Falekaupule Area any religious organisation or association (whether incorporated or not): provided that no

approval is required by a person to practise his own religious beliefs in his place of residence with other persons who reside with him.

- (2) Prior to making a decision in relation to the establishment of any religious organisation or association, a Falekaupule shall give a representative of the religious organisation or association an opportunity to address the Falekaupule on the beliefs and practices of the religious organisation or association.
- (3) A Falekaupule shall not withhold approval for the establishment of any religious organisation or association under this section unless it is satisfied that the spread of beliefs and practices by the religious organisation or association may directly threaten the values and culture of the island community.
- (4) A Falekaupule may withdraw any approval granted for the establishment of a religious organisation or association if satisfied that the beliefs and practices of the religious organisation or association:
 - (a) directly threaten the values and culture of the island community; or
 - (b) is divisive, unsettling or offensive to the people.
- (5) Prior to withdrawing any approval granted under this section, a Falekaupule shall give written notice to the religious organisation or association of its concerns under subsection (4) and provide the religious organisation or association with an opportunity to address the Falekaupule.
- (6) A decision made by a Falekaupule under this section shall not be questioned in any court of law.
- (7) A Falekaupule which has withheld or withdrawn approval for the establishment of any religious organisation or association shall, on the application of any person made not less than one year following the date of its decision to withhold or withdraw approval, consider afresh the establishment of the religious organisation or association in accordance with this section.

5 Offence of permitting unauthorised religious assembly

- (1) No person shall within a Falekaupule Area permit any place under his or her control to be used for an assembly for a religious purpose by a religious organisation or association which has not been approved by a Falekaupule.
- (2) Any person who permits a place under his or her control to be used in contravention of this section commits an offence and shall be liable upon conviction to a fine not exceeding \$500.
- (3) Nothing in this section shall prevent a person from practising his own religious beliefs in his place of residence with other persons who reside with him.

6 Restrictions of attending unauthorised religious assembly

- (1) No person shall within a Falekaupule Area assemble for a religious purpose unless the assembly has been organised by a religious organisation or association of persons approved by a Falekaupule.
- (2) Any person who attends or participates in any assembly in contravention of this section commits an offence and shall be liable upon conviction to a fine not exceeding \$200.
- (3) Nothing in this section shall prevent a person from practising his own religious beliefs in his place of residence with other persons who reside with him.

7 Transitional provisions

The provisions of this Act shall not be enforced for a period of 12 months following the date of commencement to enable all religious organisations and associations to apply for approval under section 4

ENDNOTES

¹ Act 7 of 2010