

REPUBLIC OF NAURU

(No. 18 of 1976)

AN ACT

To repeal the Oaths Ordinance 1912-1967 and the application to Nauru of the Statutory Declarations Act 1911 of the Parliament of the Commonwealth of Australia and the Oaths Ordinance 1912 of the Territory of Papua and to make new provisions for the taking of oaths and the making of affirmations and statutory declarations, and for matters related thereto.

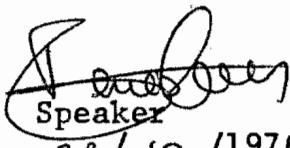
(Certified: 29/10/1976.)

I HEREBY CERTIFY that the attached document is a fair print of an Act entitled the Oaths, Affirmations and Statutory Declarations Act 1976 that has been made by Parliament and is now presented to the Speaker for his Certificate under Article 47 of the Constitution.

Pursuant to Article 35 (3) and 47 of the Constitution, I KENAS AROI, Speaker of Parliament, HEREBY CERTIFY that the Oaths, Affirmations and Statutory Declarations Act 1976, a copy of which is attached has been passed by Parliament.



Clerk of Parliament
29/ 10 /1976



Speaker
29/ 10 /1976



REPUBLIC OF NAURU

OATHS, AFFIRMATIONS AND STATUTORY DECLARATIONS ACT 1976

(No. 18 of 1976)

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(Certified: 29th October, 1976)

Enacted by the Parliament of Nauru as follows:

SHORT TITLE

1. This Act may be cited as the Oaths, Affirmations and Statutory Declarations Act 1976.

INTERPRETATION

2. In this Act "Commissioner for Oaths" means a person appointed under subsection (1) of section 72 of the Courts Act 1972 to be a Commissioner for taking affidavits and declarations.

OATH OF ALLEGIANCE

3. Where it is provided by any written law that the oath of allegiance is to be taken, the form of the oath taken shall be as set out in the First Schedule to this Act.

OATH OF WITNESS IN JUDICIAL PROCEEDINGS

4. The oath to be taken by a witness in any judicial proceedings shall be in the form set out in the Second Schedule to this Act.

OATH OF INTERPRETER IN JUDICIAL PROCEEDINGS

5. (1) An interpreter in any judicial proceedings shall, subject to the next following subsection, take in open court an oath in the form set out in the Third Schedule to this Act.
(2) Where a person is likely to be required to interpret in several judicial proceedings, he may take and subscribe an oath in the form set out in the Fourth Schedule to this Act and it shall thereafter not be necessary for him to take any other oath in respect of any judicial proceedings in which he is an interpreter in any Court.
(3) The Registrar of the Supreme Court shall file and keep all oaths taken and subscribed under the last preceding subsection and shall maintain a list of the persons by whom they have been taken and subscribed. He shall make a copy of that list available to a Court, judge, magistrate or member of the Family Court upon request, and shall keep in

the office of the Court House a copy which shall be available for perusal by barristers and solicitors, pleaders and members of the public during the hours when the office is open to the public.

MANNER OF TAKING OATHS

6. (1) A person who is required to take an oath shall be permitted to do so in accordance with the ceremonies of his own religion or in such proper manner as is requisite to bind his conscience.

(2) Where a person taking an oath does not speak English, he shall take the oath in the language which he generally uses.

VALIDITY OF OATH

7. Where an oath has been duly administered and taken, the fact that the person to whom it was administered had at the time of taking it no religious belief shall not for any purpose affect its validity.

AFFIRMATION

8. Where—

(a) a person objects to being sworn and states as a ground of his objection—

(i) that he has no religious belief;

(ii) that the taking of an oath is contrary to his religious belief; or

(iii) that he is not morally bound by taking an oath;

(b) it is impossible or impracticable for a person to take an oath; or

(c) a person by reason of any defect of religious knowledge or belief is incapable of comprehending the nature of an oath,

he may be permitted to make his affirmation instead of taking an oath in all places and for all purposes where an oath is or shall be required by law; that affirmation shall have the same force and effect as if he had taken the oath.

FORM OF AFFIRMATION

9. Every affirmation made in pursuance of section 8 shall commence as follows—

“I A.B. do solemnly, sincerely and truly declare and affirm”

and then proceed with the words of the oath prescribed by law omitting any words of imprecation or calling to witness.

WORDS IN LIEU OF JURAT IN CASE OF AFFIRMATION TO AFFIDAVIT

10. Where in pursuance of section 8 a person makes his affirmation in respect of an affidavit, the following words shall be used in lieu of the jurat—

“Affirmed at this day of , 19 .
Before me.”

STATUTORY DECLARATIONS

11. A statutory declaration shall be in the form set out in the Fifth Schedule to this Act.

AUTHORITY TO MAKE A STATUTORY DECLARATION

12. (1) Any person may, if he so wishes, make a statutory declaration in relation to any matter.

(2) A written law may require a statutory declaration to be made in relation to any matter arising under that written law.

PERSONS BEFORE WHOM STATUTORY DECLARATIONS MAY BE MADE

13. (1) In Nauru a statutory declaration may be made before a judge, a magistrate, a member of the Family Court or a Commissioner for Oaths.

(2) A statutory declaration made outside Nauru shall be deemed to be validly made if it is made before a person before whom an affidavit required for the purpose of the Supreme Court could, at the time when the statutory declaration was made, have been sworn under section 72 of the Courts Act 1972.

(3) Where by any written law, whether made before or after the commencement of this Act, a declaration is required to be made before a person specified in that written law, the declaration may, unless a contrary intention appears in that written law, be made in Nauru before any of the persons referred to in subsection (1) or may be made outside Nauru before any such person as is referred to in the last preceding subsection.

REFERENCES TO STATUTORY DECLARATIONS

14. A reference to a statutory declaration in any written law, whether made before or after the commencement of this Act, shall, subject to the provisions of subsection (4) of section 16, be taken to be a reference to a statutory declaration made in accordance with the provisions of this Act.

FALSE STATEMENTS IN STATUTORY DECLARATIONS

15. Any person who wilfully makes a false statement in a statutory declaration is guilty of an offence and is liable to imprisonment for five years.

REPEAL AND SAVINGS

16. (1) The Oaths Ordinance 1912-1967 is hereby repealed.

(2) The First Schedule to the Laws Repeal and Adopting Ordinance 1922-1967 is amended by deleting therefrom the words and figures "Statutory Declarations Act 1911" and after the commencement of this Act the Statutory Declarations Act 1911 of the Parliament of the Commonwealth of Australia shall not apply, or have force or effect, in Nauru.

(3) The Third Schedule to the Laws Repeal and Adopting Ordinance 1922-1967 is amended by deleting therefrom the words and figures "Oaths Ordinance 1912" and after the commencement of this Act the Oaths Ordinance 1912 of the Territory of Papua shall not apply, or have force or effect, in Nauru.

(4) Notwithstanding the provisions of the preceding three subsections, anything validly done before the commencement of this Act under the provisions of the Oaths Ordinance 1912-1967 or of the Statutory Declarations Act 1911 of the Parliament of the Commonwealth of Australia or the Oaths Ordinance 1912 of the Territory of Papua in their application to Nauru shall continue to have such effect after the commencement of this Act as it would have had if that Ordinance had not been repealed or if that Act or Ordinance had continued to apply and have force and effect in Nauru, as the case may be.

FIRST SCHEDULE

(Section 3)

OATH OF ALLEGIANCE

I, (state name), swear by Almighty God that I will be faithful and bear true allegiance to the Republic of Nauru according to law. So help me God!

SECOND SCHEDULE

(Section 4)

OATH TO BE TAKEN BY WITNESS

I swear by Almighty God that the evidence which I shall give in these proceedings shall be the truth, the whole truth and nothing but the truth. So help me God!

THIRD SCHEDULE

(Section 5(1))

**OATH TO BE TAKEN BY INTERPRETER
IN ANY JUDICIAL PROCEEDINGS**

I swear by Almighty God that I understand the (state language) and the English languages and that in these proceedings I shall well and truly interpret into the English language all that is said in these proceedings in the (state language) language and into the (state language) language all that is said in these proceedings in the English language, except for any such things said as I am directed by this Court (tribunal) are not to be interpreted by me. So help me God!

FOURTH SCHEDULE

(Section 5(2))

**OATH TO BE TAKEN BY INTERPRETER
FOR JUDICIAL PROCEEDINGS GENERALLY**

I, (state name) swear by Almighty God that I understand the (state language) language and the English language and that in all judicial proceedings in which I am an interpreter I shall well and truly interpret into the English language all that is said in those proceedings in the (state language) language and into the (state language) language all that is said in those proceedings in the English language, except for any such things said as I am directed by the Court (tribunal) are not to be interpreted by me. So help me God!

FIFTH SCHEDULE

(Section 10)

FORM OF STATUTORY DECLARATION**REPUBLIC OF NAURU
STATUTORY DECLARATION**

I, (state name) of (state address), (state occupation), do solemnly and sincerely declare that (set out matter declared, using numbered paragraphs if it is lengthy);
And I make this solemn declaration by virtue of the Oaths, Affirmations and Statutory Declarations Act 1976 conscientiously believing the statements contained therein to be true in every particular.

Signed:

Declared at this day of , 19 .
Before me: (Signature)
 (Title)

Note: Any person making a false statement in a statutory declaration is guilty of an offence and is liable to imprisonment for five years.