

THE ISLAND OF NAURU

No. 10 of 1956.

A N O R D I N A N C E.

To amend the Oaths Ordinance 1912-1937.

BE it ordained by the Administrator of the Island of Nauru, in pursuance of the powers conferred by Article 1 of the Agreement dated the second day of July, 1919, between the Government of the United Kingdom, the Government of the Commonwealth of Australia and the Government of the Dominion of New Zealand, as follows:-

1.-(1.) This Ordinance may be cited as the Oaths Ordinance 1956.

(2.) The Oaths Ordinance 1912-1937 is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the Oaths Ordinance 1912-1956.

2. Section thirty-eight of the Principal Ordinance is amended -

(a) by omitting from sub-section (1.) the words "for any place in the Island of Nauru or elsewhere"; and

(b) by omitting from sub-section (1.) the words "in that place" and inserting in their stead the words "in Nauru".

3. After section thirty-nine of the Principal Ordinance the following section is added:-

"40.-(1.) An affidavit required for the purpose of a court of Nauru or proceedings in such a court may be sworn outside Nauru -

(a) in the Commonwealth or a Territory of the Commonwealth - before a Notary Public, a Commissioner for Affidavits, a

Short title  
and citation.

Appointment of  
commissioners  
for affidavits.

Swearing of  
affidavits  
outside  
Nauru.

Commissioner for Declarations or a person authorized to administer oaths under the law of the State or Territory where the affidavit is sworn;

(b) in a place being part of Her Majesty's dominions, other than the Commonwealth or a Territory of the Commonwealth - before a Judge, Magistrate, Justice of the Peace, Notary Public, Commissioner for Oaths, Commissioner for Affidavits, an Australian Diplomatic Officer, an Australian Consular Officer or a person authorized by the law of that part to administer oaths; or

(c) in any other place - before a Judge of a court the jurisdiction of which is unlimited, one of Her Majesty's Consuls or Vice-Consuls, a Notary Public, an Australian Diplomatic Officer or an Australian Consular Officer.

"(2.) The title of the person before whom the affidavit is sworn and the date when and the place where it was sworn shall be stated on the affidavit.

"(3.) A court may receive in evidence an affidavit purporting to have been sworn in accordance with this section without proof of the signature of the deponent or of the person before whom it was sworn or of the fact that the person before whom it was sworn holds the office stated on it.

"(4.) A person before whom an affidavit is sworn in pursuance of this section may receive or demand the same fee (if any) in respect of that affidavit as he is authorized to receive or demand under the law of the place where the affidavit is sworn

in respect of an affidavit sworn before him for the purpose of proceedings in a court of that place.

"(5.) In this section -

'Australian Consular Officer' means a person appointed to hold or act in any of the following offices of the Commonwealth in a country or place outside Australia:-

- (a) Consul-General;
- (b) Consul;
- (c) Vice-Consul;
- (d) Trade Commissioner; and
- (e) Consular Agent.

'Australian Diplomatic Officer' means a person appointed to hold or act in any of the following offices of the Commonwealth in a country or place outside Australia:-

- (a) Ambassador;
- (b) High Commissioner;
- (c) Minister;
- (d) Head of a Mission;
- (e) Commissioner;
- (f) Charge d'Affaires; and
- (g) Counsellor, Secretary or Attache at an Embassy, High Commissioner's office, Legation or other post."

Dated this 18<sup>th</sup> day of September, 1956.

Administrator of the Island of Nauru.