



REPUBLIC OF NAURU

OATHS, AFFIRMATIONS AND STATUTORY DECLARATIONS (AMENDMENT) ACT 2020

No. 22 of 2020

An Act to amend the *Oaths, Affirmations and Statutory Declarations Act 1976*.

Certified: 23rd October 2020

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Enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *Oaths, Affirmations and Statutory Declarations (Amendment) Act 2020*.

2 Commencement

This Act commences on certification of the Speaker.

3 Amendment of the Oaths, Affirmations and Statutory Declarations Act 1976

The *Oaths, Affirmations and Statutory Declarations Act 1976* is amended by the provisions of this Act.

4 Amendment of Section 4

Section 4 is deleted and substituted as follows:

‘4 Oath of witness in judicial proceeding

(1) The oath to be taken by a witness in any judicial proceeding may be taken:

- (a) in open court;
- (b) as the court may direct; or
- (c) as prescribed by rules, to be made by the Chief Justice.

(2) For the purposes of subsection (1), the form of the oath is in Schedule 2.

(3) Where a witness is required to testify through audio visual link, the witness shall take the form of the oath in Schedule 2.’

5 Amendment of Section 5

Subsection (1) is deleted and substituted as follows:

‘(1) Subject to subsection (2), an interpreter in any judicial proceeding shall take oath:

- (a) in open court;
- (b) as the court may direct; or
- (c) as prescribed by rules, to be made by the Chief Justice.’

6 Amendment of Section 13

Section 13(1) is deleted and substituted as follows:

‘(1) In the Republic, a statutory declaration may be made before any of the following:

- (a) a Judge;
- (b) Registrar of the Courts;
- (c) a Resident Magistrate;
- (d) member of the Family Court;
- (e) barrister and solicitor;
- (f) notary public; or
- (g) commissioner for oaths.’

7 Amendment of Schedule 2

Schedule 2 is amended as follows:

SECOND SCHEDULE – OATH TO BE TAKEN BY WITNESS

OATH TO BE TAKEN BY WITNESS PRESENT IN COURT

[Section 4(2)]

I *[insert name]* 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!

OATH TO BE TAKEN BY WITNESS TESTIFYING FROM FOREIGN JURISDICTION

[Section 4(3)]

I *[insert name]* 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.

Also, I swear that:

- (a) I will follow all the procedures or directions given by this honourable court during the course of my testimony;
- (b) no one else is present at the place where I am testifying *[except an authorised person]** from;

- (c) I am not able to and will not communicate with any person as long as I am required to testify in this honourable court; and
- (d) I do not possess or have in my custody or access any documents or any other materials relating to the proceedings except documents authorised by the court.

So help me God!

NOTE: *the Court is to insert the name or names of any person or persons ordered by the Court to be present with the witness during the course of the testimony.

8 Amendment of Schedule 3

Schedule 3 is amended as follows:

THIRD SCHEDULE – OATH TO BE TAKEN BY INTERPRETER

OATH TO BE TAKEN BY INTERPRETER PRESENT IN COURT

[Section 5(1)]

I *[insert name]* 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!

OATH TO BE TAKEN BY INTERPRETER INTERPRETING FROM FOREIGN JURISDICTION

[Section 5(1)]

I *[insert name]* 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.

Also, I swear that:

- (a) I will follow all the procedures or directions given by this honourable court;

- (b) no one else is present at the place where I am interpreting [*except an authorised person*]* from;
- (c) I am not able to and will not communicate with any person as long as I am required to interpret in this honourable court;
- (d) I have not communicated with a legal practitioner or a party to these proceedings; and
- (e) I do not possess or have in my custody or access any documents or any other materials relating to the proceedings except documents authorised by the court.

So help me God!

NOTE:

*the Court is to insert the name or names of any person or persons ordered by the Court to be present with the witness during the course of the testimony.

** delete whichever is not applicable.