



Tuvalu

COMMONWEALTH COUNTRIES ACT

2022 Revised Edition

CAP. 36.05



Tuvalu

COMMONWEALTH COUNTRIES ACT

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Tuvalu

COMMONWEALTH COUNTRIES ACT

TO ALLOW MEMBERSHIP OF THE COMMONWEALTH TO BE MORE READILY ASCERTAINED, TO APPLY SECTION 25 OF THE INDEPENDENCE CONSTITUTION TO ALL COMMONWEALTH COUNTRIES, AND TO PROVIDE FOR THE CONTINUED OPERATION OF THE LAWS OF TUVALU IN RELATION TO CERTAIN COMMONWEALTH COUNTRIES¹

Commencement [1 January 1984]²

1 Short title

This Act may be cited as the Commonwealth Countries Act.

2 Application of Section 25 of the Independence Constitution

In accordance with Section 25(3) of the Independence Constitution, the countries to which Section 25 of the Independence Constitution applies are all Commonwealth countries ascertained in accordance with this Act (other than Tuvalu).

3 References to Commonwealth countries

A reference, direct or indirect, in any law to a Commonwealth country shall be read as a reference to a Commonwealth country ascertained in accordance with this Act (with the exception, as appropriate, of Tuvalu).

4 Membership of the Commonwealth

- (1) In any proceedings before a court or person acting judicially, a certificate signed by the Minister responsible for Foreign Affairs that on a date, or at a time, specified in the certificate —
 - (a) a country so specified was or was not a Commonwealth country; or
 - (b) a territory so specified was or was not a territory for which a Commonwealth country so specified was responsible,is conclusive evidence of the matter stated in the certificate.
- (2) If a certificate under Subsection (1)(a) is not produced in proceedings before a court or person acting judicially —
 - (a) the fact that a country is specified in the Schedule is conclusive evidence that the country is a Commonwealth country; and
 - (b) the fact that a country is not specified in the Schedule is conclusive evidence that country is not a Commonwealth country.
- (3) The Minister responsible for Foreign Affairs may, by notice, amend the Schedule —
 - (a) by adding to it the name of a country that has become a Commonwealth country; or
 - (b) by omitting from it the name of a country that has ceased to be a Commonwealth country; or
 - (c) by altering the name of a Commonwealth country in it.

5 Judicial notice

A court or person acting judicially to which or to whom a certificate purporting to be a certificate under Section 3 is produced shall take judicial notice of the signature of the Minister responsible for Foreign Affairs appearing on the certificate, and shall presume that it was duly affixed.

6 Operation of laws in relation to certain Commonwealth countries

All laws of Tuvalu applying in relation to a Commonwealth country that becomes a republic shall, subject to any other law, continue to have the same effect as if the country had not become a republic.

SCHEDULE

(Section 4(2))

COMMONWEALTH COUNTRIES

| | |
|---------------------|----------------------------------|
| Antigua and Barbuda | Mauritius |
| Australia | Nauru |
| The Bahamas | New Zealand |
| Bangladesh | Nigeria |
| Barbados | Papua New Guinea |
| Belize | Saint Christopher Nevis |
| Botswana | Saint Lucia |
| Brunei | Saint Vincent and the Grenadines |
| Canada | Seychelles |
| Cyprus | Sierra Leone |
| Dominica | Singapore |
| Fiji | Solomon Islands |
| The Gambia | Sri Lanka |
| Ghana | Swaziland |
| Grenada | Tanzania |
| Guyana | Tonga |
| India | Trinidad and Tobago |
| Jamaica | Tuvalu |
| Kenya | Uganda |
| Kiribati | The United Kingdom and Colonies |
| Lesotho | Vanuatu |
| Malawi | Western Samoa |
| Malaysia | Zambia |
| Maldives | Zimbabwe |
| Malta | |

ENDNOTES

¹ 1990 Revised Edition, Cap. 18A – Act 6 of 1983, GN 6/1984, GN 22/1984

² LN 33/1983