



**Tuvalu**

# **OATHS (NON-CITIZENS) ACT**

**2022 Revised Edition**

**CAP. 7.44**





Tuvalu

## OATHS (NON-CITIZENS) ACT

### TO MAKE PROVISION FOR NON-CITIZENS IN RESPECT OF CERTAIN OATHS, ETC.<sup>1</sup>

Commencement [1 January 1985]

#### 1 Short title

This Act may be cited as the Oaths (Non-Citizens) Act.

#### 2 Taking of certain oaths, etc., by non-citizens

- (1) When —
  - (a) it is desirable that a person who is not a citizen of Tuvalu be appointed to a public office or to an office established by or under an Act; and
  - (b) it is a requirement that in order to be qualified for appointment or to perform the functions of the office a person must take an oath or make an affirmation or declaration of allegiance, or take or make some other oath, affirmation or declaration; and
  - (c) the Cabinet is satisfied that, because of the law of some other country, to take or make the oath, affirmation or declaration in the prescribed manner or form would or might adversely affect the citizenship or nationality status of the person concerned,  
  
the Governor-General, acting in accordance with the advice of the Cabinet, may, by order —
    - (d) substitute some other form of oath, affirmation or declaration in the case of the person; or
    - (e) exempt the person from the requirement.
- (2) Nothing in subsection (1) allows the appointment of a person who is not a citizen of Tuvalu to any office that is by law reserved for citizens of Tuvalu.

**3 Effect of section 2**

A person to whom an order under section 2(1) applies is —

- (a) in a case to which section 2(1)(d) applies - on the taking or making of the substituted form of oath, affirmation or declaration; or
- (b) in a case to which section 2(1)(e) applies - on taking up the appointment, or on entering into the performance of the functions of the office,

subject to all laws applicable to the office, or to the functions of the office, as if he had taken or made the oath, affirmation or declaration of allegiance, or taken or made the other oath, affirmation or declaration referred to in section 2(1)(b).

**ENDNOTES**

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<sup>1</sup> 1990 Revised Edition, Cap. 6A – Act 11 of 1984