



REPUBLIC OF NAURU

# OATHS, AFFIRMATIONS AND STATUTORY DECLARATIONS (AMENDMENT) BILL 2020

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No. of 2020

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A Bill for an Act to amend the *Oaths, Affirmations and Statutory Declarations Act 1976*.

Certified: [ ]

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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.