

Reprint

as at 20 September 2007

Tokelau Affidavits and Declarations Regulations 1986

(SR 1986/322)

Tokelau Affidavits and Declarations Regulations 1986: revoked, on 20 September 2007, by section 9(2) of the Tokelau Amendment Act 2007 (2007 No 84).

PURSUANT to the Tokelau Act 1948, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

These regulations are administered in the Ministry of Foreign Affairs.

1 Title and commencement

- (1) These regulations may be cited as the Tokelau Affidavits and Declarations Regulations 1986.
- (2) These regulations shall come into force on the 1st day of December 1986.

2 Form of affidavits and declarations made in Tokelau

- (1) Subject to any Act or regulation in force in Tokelau, affidavits and declarations authorised or required to be made by or under any law in force in Tokelau (whether that law was in force before or after the commencement of these regulations), and which are made in Tokelau, shall comply with this regulation.
- (2) Every affidavit shall be in Form 1 in the Schedule to these regulations.
- (3) Every declaration shall be in Form 2 in the Schedule to these regulations.

3 Authority to take affidavits and declarations in Tokelau

Any affidavit may be sworn in Tokelau, and any declaration may be made in Tokelau, before a Commissioner, a Faipule, a Pulenuku, a Failautuhi, the Official Secretary, any person holding the office of Director or Administration Officer in the Tokelau Public Service, the principal of any school in Tokelau, a Judge or Registrar of the High Court of New Zealand, a Solicitor of the High Court of New Zealand, or any person who is entitled to practise law in any other country.

4 Affidavits and declarations made outside Tokelau

- (1) Subject to any Act or regulation in force in Tokelau, any affidavit sworn outside Tokelau shall be sworn before—
 - (i) The Official Secretary; or
 - (ii) Any person holding the office of Director in the Tokelau Public Service; or
 - (iii) A Solicitor of the High Court of New Zealand; or
 - (iv) Any other person who is entitled to practise law in the country in which the affidavit is sworn.
- (2) Subject to any Act or regulation in force in Tokelau, any declaration made outside Tokelau shall be made before—

- (i) The Official Secretary; or
- (ii) Any person holding the office of Director in the Tokelau Public Service; or
- (iii) A Solicitor of the High Court of New Zealand; or
- (iv) Any other person who is entitled to practise law in the country in which the declaration is made.

Regulation 4 was substituted by regulation 2 Tokelau Affidavits and Declarations Regulations 1986, Amendment No 1 (SR 1989/266).

5 Right to make affirmation instead of affidavit

- (1) Where any person is authorised or required, by or under any law in force in Tokelau (whether that law was in force before or after the commencement of these regulations), to swear an affidavit, that person shall be entitled as of right to make instead an affirmation, and every such affirmation in writing shall have the same force and effect as an affidavit.
- (2) Every affirmation in writing made pursuant to subclause (1) of this regulation shall begin “I, [*Full name*], of [*Place of residence*], [*Occupation*], solemnly and sincerely affirm”; and the following words shall be inserted instead of the jurat:

“Affirmed at [*Place*] this..... day of.....19.,
“before me—”.

6 Identification of persons signing affidavits, affirmations, and declarations

- (1) The signature on every affidavit, affirmation, or declaration sworn or made under these regulations shall be an original signature, and the name of the signatory shall be legibly typed, printed, or stamped, or legibly written in the style of printed matter, immediately below the signature.
- (2) Every person before whom any affidavit, affirmation, or declaration is sworn or made under these regulations shall insert in that affidavit, affirmation, or declaration, immediately below that person’s signature, that person’s qualification to take that affidavit, affirmation, or declaration.

Schedule

Form 1

Reg 2(2)

AFFIDAVIT

I, [*Full name*], of [*Place of residence*], [*Occupation*], swear:
[*Here set out, in paragraphs numbered consecutively, the facts asserted*]

.....
(Signature of Person making
the affidavit)

Sworn at [*Place*] this day of 19.....,
before me—

.....
(Signature of Person taking the
affidavit)

Commissioner (*Or other person
authorised to take an affidavit in
Tokelau*)

Form 2

Reg 2(3)

Form 2—*continued*

DECLARATION

I, [*Full name*], of [*Place of residence*], [*Occupation*], solemnly and sincerely declare that:

[Here set out, in paragraphs numbered consecutively, the facts asserted]

And I make this solemn declaration conscientiously believing it to be true.

.....
(Signature of Person making
the declaration)

Declared at [*Place*] this day of 19.....

.....
(Signature of Person taking
the declaration)

Commissioner (*Or other person
authorised to take a declaration
in Tokelau*)

P G MILLEN,
Clerk of the Executive Council.

Explanatory note

This note is not part of the Regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 December 1986, prescribe the form of affidavits and declarations sworn or made under any law in force in Tokelau, and the persons who may take any such affidavits or declarations.

Provision is also made for the taking of affidavits and declarations outside Tokelau, and for the right to make an affirmation instead of an affidavit.

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Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 6 November 1986.
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Notes**1 General**

This is an eprint of the Tokelau Affidavits and Declarations Regulations 1986. It incorporates all the amendments to the Tokelau Affidavits and Declarations Regulations 1986 as at 20 September 2007. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions are also included, after the Principal enactment, in chronological order.

2 About this eprint

This eprint has not been officialised. For more information about officialisation, please see "Making online legislation official" under "Status of legislation on this site" in the About section of this website.

3 List of amendments incorporated in this eprint (most recent first)

Tokelau Amendment Act 2007 (2007 No 84): section 9(2)
