



REPUBLIC OF NAURU

COURTS ACT 1972 COMMISSIONERS FOR OATHS RULES 1973

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REPUBLIC OF NAURU

COURTS ACT 1972 COMMISSIONERS FOR OATHS RULES 1973

In exercise of the powers conferred upon me by section 74 of the Courts Act 1972, I hereby make the following rules—

SHORT TITLE

1. These Rules may be cited as the Commissioners for Oaths Rules 1973.

INTERPRETATION

2. In these Rules "the Act" means the Courts Act 1972.

APPLICATION FOR APPOINTMENT

3. (1) Application for appointment under section 72 of the Act to be a Commissioner for Oaths shall be made to the Registrar in writing in the form set out in the First Schedule to these Rules. It shall be accompanied by an affidavit sworn by a Commissioner for Oaths or by a person who is authorised by the law of the country where the applicant resides to administer oaths for the purposes of proceedings in the courts of that country to the effect that he is well acquainted with the applicant and that he knows him to be a person of integrity and in all respects a fit and proper person to execute the office of Commissioner for Oaths.

- (2) The provisions of section 73 of the Act shall apply to the swearing of affidavits outside Nauru for the purposes of the preceding paragraph, as though it were an affidavit required for the purpose of proceedings in the Supreme Court.

- (3) Where the applicant resides in a country which is a federation of states, provinces or territories, the expression "country" in paragraph (1) is to be taken as referring to the state, province or territory in which he resides.

FEE PAYABLE ON APPLICATION

4. (1) Subject to the next following paragraph, a fee of twenty dollars shall be payable to the Registrar upon application for appointment to be a Commissioner for Oaths. If the applicant is not appointed, the Registrar shall return the fee to him. If he is appointed, the Registrar shall pay it into the Treasury Fund as revenue.

- (2) No fee shall be payable by any officer of the Department of Justice required to apply for appointment for the purposes of his duties.

FURTHER PARTICULARS MAY BE REQUIRED

5. The Registrar may, and, if required by the Chief Justice to do so, shall, require an applicant for appointment to be a Commissioner for Oaths to supply in writing further particulars of his circumstances.

ATTENDANCE GENERALLY NOT NECESSARY

6. (1) Subject to the next following paragraph, attendance before the Chief Justice or the Registrar by an applicant for appointment to be a Commissioner for Oaths shall not be necessary.

(2) Where the applicant is resident in Nauru he shall be required by the Registrar to attend before him, and the Registrar shall satisfy himself that the applicant knows the nature and extent of the functions, duties and powers of Commissioners for Oaths.

INSTRUMENT OF APPOINTMENT

7. The instrument of appointment of a person to be a Commissioner for Oaths shall be in the form set out in the Second Schedule.

FEES TO BE RECEIVED BY COMMISSIONERS FOR OATHS

8. A Commissioner for Oaths shall be entitled to receive the fees set out in the Third Schedule to these Rules:

Provided that fees received by public officers as Commissioners for Oaths shall be paid by them into the Treasury Fund as revenue.

Made this seventh day of August, 1973.

I. R. Thompson
Chief Justice

FIRST SCHEDULE**APPLICATION FOR APPOINTMENT UNDER SECTION 72
OF THE ACT TO BE A COMMISSIONER FOR OATHS**

To the Registrar,
Supreme Court,
Nauru.

1. I, (full name) hereby apply to be appointed under section 72 of the Courts Act 1972 to be a Commissioner for Oaths.
2. My home address is (state in full).
3. My business address is (state in full).
4. I am in practice at the above address as a solicitor (or as the case may be) and have been in practice as such for (state period).
5. I am*/am not at present authorised by the laws of the country in which I reside*/practise to administer oaths in the capacity of (state capacity).
6. This application is accompanied by—
 - (a) an affidavit by (full name) of (full address), who is a Commissioner for Oaths*/authorised by the laws of the country where I reside, namely (see rule 3(3)), to administer oaths for the purpose of proceedings in the courts of that country in his capacity as (state capacity); and
 - (b) the fee payable under rule 4.

Signed:

Date:

*Delete whichever is not applicable

REPUBLIC OF NAURU

APPOINTMENT TO BE A COMMISSIONER FOR OATHS

(Name of Commissioner), of (residential address) is hereby appointed under section 72 of the Courts Act 1972 to be a Commissioner for Oaths

This day of 19

Chief Justice

(Seal)

THIRD SCHEDULE

FEEES TO BE RECEIVED BY COMMISSIONERS FOR OATHS

- 1. For taking an affidavit, affirmation or declaration \$1.00 for each deponent or declarant.
- 2. In addition to fee no. 1, for each exhibit referred to in an affidavit, affirmation or declaration and required to be marked. \$0.40
- 3. For receiving production of documents in respect of any proceedings in any Court, marking them and sending them to the Court. \$5.00 and in addition \$4.00 for every 15 minutes or part thereof after the first 15 minutes, plus actual cost of postage.
- 4. For taking the examination of witnesses on interrogatories or otherwise, and reporting thereon (including administering oaths). \$5.00 and in addition \$4.00 for every 15 minutes or part thereof after the first 15 minutes, plus actual cost of postage.