

## **AFFIDAVITS AND DECLARATIONS RULES 1986**

### **1 Name**

These are the Affidavits and Declarations Rules 1986.

### **2 Form of affidavits and declarations made in Tokelau**

- (1) Subject to any law 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 Rules), and which are made in Tokelau, shall comply with these Rules.
- (2) Every affidavit shall be in form 1 in the Schedule.
- (3) Every declaration shall be in form 2 in the Schedule.

### **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 Pulemuku, a Failautuhi, 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 law in force in Tokelau, any affidavit sworn outside Tokelau shall be sworn before –
  - (i) [repealed 2004/13]
  - (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 law in force in Tokelau, any declaration made outside Tokelau shall be made before –
  - (i) [repealed 2004/13]

- (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.

**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 Rules) 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 paragraph (1) 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..... 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 Rules 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 Rules 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.
-

*Affidavits & Declarations*

**SCHEDULE**

**FORM 1**  
rule 2(2)  
**AFFIDAVIT**

I, [Full name], of [Place of residence], [Occupation], swear:

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

Signature .....  
(Person making affidavit)

---

**FORM 2**  
rule 2(3)  
**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 .....  
Commissioner (or other person authorised to take declaration in Tokelau)

---