

Republic of Kiribati

(No of 2015)



I assent

Arudo Tung
Beretitenti

29 December, 2015

An Act

entitled

AN ACT TO PROVIDE FOR THE MAKING OF STATUTORY DECLARATIONS

Commencement

2015

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

Short title:

1. This Act may be cited as the Statutory Declarations Act 2015.

Interpretation:

2. In this Act, unless the context otherwise requires-
"statutory declaration" means a declaration made pursuant to any written law.

Statutory declaration made in Kiribati

3. A statutory declaration made in Kiribati for use in Kiribati shall, unless otherwise prescribed in any other written law, be in the form prescribed in the Schedule with necessary modifications, shall be made before-
 - (a) the Chief Registrar, deputy or Assistant Registrar of the High Court;
 - (b) a magistrate;
 - (c) a notary public or Commissioner for Oaths;
 - (d) a lawyer admitted to practice in Kiribati;

- (e) a justice of the peace; or
- (f) any fit and proper person appointed by the Minister responsible for this Act.

Statutory declarations made outside Kiribati

- 4. A statutory declaration made in a country other than Kiribati for use in Kiribati shall be in the form prescribed under the laws of that country and shall be made before a notary public, Commissioner for Oaths or any other person authorised by the law of that country to administer an oath there for the purpose of a judicial proceeding.

Admissibility

- 5. Any document purporting to have affixed, impressed or subscribed thereon or thereto the seal or signature of any person authorised under this Act to take a declaration shall be admissible in evidence without proof of the seal or signature being the seal or signature of that person or of the official or other status of that person.

Amendment of Section 100 of the Penal Code

- 6. Section 100 of the Penal Code is amended at subsection (2) by repealing the figure "1835" and substituting the figure "2015";

Schedule

(section 3)

STATUTORY DECLARATIONS

I...[Full Name].....

of.....[Address].....

Do solemnly and sincerely declare

that.....

.....
.....
.....

and I make this solemn declaration believing the same to be true and by virtue of the Statutory Declaration Act.

Declared at

thisday of

.....20.....

before me and I certify that the declaration was read over in the

..... language

to the declarant who appeared fully to understand the meaning thereof.

.....
(Office held or nature of Appointment)

.....
(Declarant)

Explanatory Memorandum

When the Patriation of Imperial Laws project was conducted after independence it produced the *Laws of Kiribati Act (No 10) 1989*, which declares what the laws of Kiribati are, and provides a procedure under which legislation inherited from the United Kingdom may be patriated, or transcribed as a legislation of Kiribati.

A procedure for transcribing inherited legislation into Kiribati provision is set out under sections 8-12 of the Laws of Kiribati Act. The inherited legislation or applied laws are the enactments of the UK Parliament including statutes of general application in force in England on 1st January 1961. Overtime, we had enacted those applied laws that require major adaptation, to do away from referring to the applied UK Act. Some examples of those are the Evidence Act (No.5) 2003 and the Limitation Act (No.1) 2004. One applied law of UK that is now in constant use is the UK Statutory Declaration Act (1835) which is often used in making declarations to correct mistakes or to clarify certain inconsistencies in the record.

The aim of this Act is to do away with the reference to the UK applied law and have instead a Kiribati enactment which we can be proud of. The Act is straight forward and very easy to read. It comprises only 5 sections. The main sections are 3, 4 and 5. Section 3 states how a statutory declaration can be made in Kiribati which must follow closely the format set out in the Schedule with necessary modifications to suit the purpose for which the statutory declaration is being used. It also states who can attest to the making of the statutory declarations, which conforms to the international practice where officers of the court, magistrates and those specifically appointed for the purpose of attesting to the validity of documents like notary public, Commissioner of Oaths and justice of the peace can attest to the validity of the statutory declaration made under this Act. In addition, any other person, fit and proper, can be appointed by the Minister to undertake such equivalent task. Section 4 deals with declarations made outside Kiribati which can be equally used in Kiribati. And section 5 make it admissible in the courts of law the statutory declarations made under this Act.

Titabu Tabane
Attorney General.

CERTIFICATE OF THE CLERK OF THE MANEABA NI MAUNGATABU

This printed impression of the Statutory Declaration Act 2015 has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on the 13th August 2015 and is found by me to be a true and correctly printed copy of the said Bill.


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Eni Tekanene
Clerk of the Maneaba ni Maungatabu

Published by exhibition at the Maneaba ni Maungatabu this 24 day of DECEMBER 2015.


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Eni Tekanene
Clerk of the Maneaba ni Maungatabu