



## AFFIDAVITS ACT 1956

[Consolidated as at 30 January 2013  
on the authority of the Administrator  
and in accordance with  
the *Enactments Reprinting Act 1980*]

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## Affidavits Act 1956

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An Act to make provision for the swearing of affidavits, and for other purposes.

### Short title

1. This Act may be cited as the *Affidavits Act 1956*.

### Repeal

2. (1) The *Affidavits Act 1919* and the *Affidavits Act 1930* are repealed.  
(2) A reference in a law in force in Norfolk Island to a Commissioner for Affidavits for Norfolk Island shall be read as a reference to a Justice of the Peace for Norfolk Island.

### Definitions

3. In this Act, unless the contrary intention appears —  
“affidavit” includes an affirmation;  
“Australian Consular Officer” means a person appointed to hold or act in any of the following offices (being an office of the Commonwealth) in a country or place outside the Commonwealth and the Territories of the Commonwealth:
  - (a) ambassador;
  - (b) high commissioner;
  - (c) Commonwealth Minister;
  - (d) head of mission;
  - (e) commissioner;
  - (f) charge d’affaires;
  - (g) counsellor or secretary at an embassy, high commissioner’s office, legation or other post;
  - (h) consul-general;
  - (i) consul;
  - (j) vice-consul;
  - (k) trade commissioner; and
  - (l) consular agent;“Justice of the Peace for Norfolk Island means a person holding office as a Justice of the Peace under the *Justices of the Peace Act 1972*;  
“swear” includes affirm.



**Swearing of affidavits**

4. (1) An affidavit required for the purpose of a Court of Norfolk Island or proceedings in any such Court may be sworn —

- (a) in Norfolk Island - before a Justice of the Peace for Norfolk Island;
- (b) in the Commonwealth or a Territory of the Commonwealth other than Norfolk Island or in the Island of Nauru - before a Notary Public, a Justice of the Peace, a Commissioner for Affidavits or a person authorised to administer oaths under the law of the State or Territory of the Commonwealth where the affidavit is sworn or, if it is sworn in the Island of Nauru, under the law of that Island;
- (c) in a place being part of Her Majesty's dominions, other than the Commonwealth or a Territory of the Commonwealth - before a Judge, Magistrate, Justice of the Peace, Notary Public, a Commissioner for Oaths, a Commissioner for Affidavits, an Australian Consular Officer or a person authorised by a law of that place to administer oaths; or
- (d) in any other place - before a Judge of a Court the jurisdiction of which is unlimited, one of Her Majesty's Consuls or Vice-Consuls, a Notary Public or an Australian Consular Officer.

(2) The title of the person before whom the affidavit is sworn and the date when and the place where it was sworn shall be stated on the affidavit.

(3) A Court may receive in evidence an affidavit purporting to have been sworn in accordance with this section without proof of the signature of the deponent or of the person before whom it was sworn or of the fact that the person before whom it was sworn holds the office stated on it.

(4) A person before whom an affidavit is sworn in pursuance of this section in a place other than Norfolk Island may receive or demand the same fee (if any) in respect of that affidavit as he is authorised to receive or demand under the law of that place in respect of an affidavit sworn before him for the purpose of proceedings in a Court in that place.

**False swearing in affidavit**

5. A person who wilfully makes a false statement in an affidavit sworn for the purpose of a Court of Norfolk Island or proceedings in any such Court before a person referred to in section 4 shall be deemed to be guilty of perjury and is liable to punishment accordingly.

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**NOTES**

The *Affidavits Act 1956* as shown in this reprint comprises Act. No 1 of 1956 and amendments as indicated in the Tables below.

<b>Enactment</b>	<b>Number and year</b>	<b>Date of commencement</b>	<b>Application saving or transitional provision</b>
<i>Affidavits Act 1956</i>	1, 1956	19.11.56	
<i>Amendments Incorporation Act 1963</i>	2, 1963	28.3.63	
<i>Ordinances Revision Act 1964</i>	6, 1964	30.6.64	6
<i>Ordinances Citation Act 1976</i>	11, 1976	25.11.76	
<i>Ordinances Revision Act 1979</i>	13, 1979	7.8.79	5

*[Previously consolidated as at 1 March 1985]*

*Interpretation (Amendment) Act 2012* 14, 2012 28.12.12

*[to substitute throughout —  
Commonwealth Minister for Minister;  
and to substitute Minister for executive  
member]*

**Table of Amendments**

ad = added or am = amended rep = repealed rs = repealed and  
inserted substituted

<b>Provisions affected</b>	<b>How affected</b>
1	am 2, 1963; 11, 1976
3	am 6, 1964; 13, 1979

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