

Version  
as at 28 October 2021



## Commonwealth Countries Act 1977

Public Act      1977 No 31  
Date of assent      6 October 1977  
Commencement      6 October 1977

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**An Act to enable the membership of the Commonwealth to be more easily ascertained, to provide for the continued operation of New Zealand law with respect to certain Commonwealth countries, and to provide for the continued**

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#### Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**This Act is administered by the Ministry of Foreign Affairs and Trade.**

**operation of New Zealand law with respect to the Republic of Ireland as if it were a Commonwealth country**

**1 Short Title**

This Act may be cited as the Commonwealth Countries Act 1977.

**2 Membership of Commonwealth**

- (1) In any proceeding before any court or any person acting judicially—
- (a) a certificate signed by the Secretary of Foreign Affairs and Trade that on a date specified in the certificate a specified country was or was not a Commonwealth country, or that a specified territory was or was not one for whose international relations a specified Commonwealth country was responsible, shall be conclusive evidence of the matters stated in the certificate:
  - (b) if no certificate pursuant to paragraph (a) is produced relating to it, the fact that a country is specified in Schedule 1 shall be conclusive evidence that that country is a Commonwealth country, and the fact that a country is not so specified shall be conclusive evidence that it is not a Commonwealth country.
- (2) The Governor-General may from time to time, by Order in Council, amend the said Schedule 1 by adding to it the names of countries that have become Commonwealth countries or deleting from it the names of countries that have ceased to be Commonwealth countries.
- (3) An Order in Council pursuant to subsection (2) shall come into force or be deemed to have come into force on a date specified therein, whether that date is before, on, or after the date of the making of the order.
- (4) The court or person acting judicially to which or to whom any certificate under subsection (1)(a) is produced shall take judicial notice of the signature thereon of the Secretary of Foreign Affairs and Trade.
- (5) For the purposes of this section,—
- court** includes the Supreme Court, the Court of Appeal, the High Court, and the District Court
- District Court** includes—
- (a) the Family Court; and
  - (b) the Youth Court
- person acting judicially** means any person having in New Zealand by law authority to hear, receive, and examine evidence
- proceeding** means—
- (a) a proceeding conducted by a court; and

- (b) any interlocutory or other application to a court connected with a proceeding.
- (6) An order under subsection (2)—
  - (a) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); but
  - (b) commences in accordance with subsection (3), even if it is not yet published.

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**Legislation Act 2019 requirements for secondary legislation made under this section**

<b>Publication</b>	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Act.*

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Section 2(1)(a): amended, on 1 July 1993, by section 6(1) of the Foreign Affairs Amendment Act 1993 (1993 No 48).

Section 2(4): amended, on 1 July 1993, by section 6(1) of the Foreign Affairs Amendment Act 1993 (1993 No 48).

Section 2(5): substituted, on 1 August 2007, by section 216 of the Evidence Act 2006 (2006 No 69).

Section 2(5) **court**: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 2(5) **District Court**: replaced, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 2(6): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

### **3 Operation of New Zealand law with respect to certain Commonwealth countries**

All existing law—that is to say all law, whether a rule of law or a provision of an Act of any Parliament or a provision of any other enactment or instrument whatsoever—shall, until provision to the contrary is made by the authority having power to alter that law, have the same operation with respect to every Commonwealth country of which the Sovereign is not Head of State (whether by virtue of that country’s having become a republic or otherwise) as it would have if the Sovereign were Head of State.

Section 3: editorial changes made by the PCO, on 29 October 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

### **4 Operation of New Zealand law with respect to the Republic of Ireland**

All existing law as aforesaid shall, until provision to the contrary is made by the authority having the power to alter that law, operate with respect to the Republic of Ireland as if it were a Commonwealth country and not a foreign country.

**5 Application of Act to Tokelau**

This Act shall be in force in Tokelau.

**6 Consequential amendment and repeals**

- (1) *Amendment(s) incorporated in the Act(s).*
- (2) The enactments specified in Schedule 2 are hereby consequentially repealed.

**Schedule 1**  
**Commonwealth countries**

s 2(1)(b)

Antigua and Barbuda  
Australia  
The Bahamas  
Bangladesh  
Barbados  
Belize  
Botswana  
Brunei Darussalam  
Cameroon  
Canada  
Cyprus  
Dominica  
Fiji  
The Gambia  
Ghana  
Grenada  
Guyana  
India  
Jamaica  
Kenya  
Kiribati  
Lesotho  
Malawi  
Malaysia  
Maldives  
Malta  
Mauritius  
Mozambique  
Namibia  
Nauru  
New Zealand  
Nigeria

Pakistan  
Papua New Guinea  
Rwanda  
St Kitts & Nevis  
St Lucia  
St Vincent and the Grenadines  
Samoa  
Seychelles  
Sierra Leone  
Singapore  
Solomon Islands  
South Africa  
Sri Lanka  
Swaziland  
Tanzania  
Tonga  
Trinidad and Tobago  
Tuvalu  
Uganda  
United Kingdom  
Vanuatu  
Zambia

Schedule 1: amended (with effect on 1 January 1984), on 26 October 2012, by clause 3(1) of the Commonwealth Countries (Membership) Order 2012 (SR 2012/317).

Schedule 1: amended (with effect on 1 November 1995), on 26 October 2012, by clause 3(2) of the Commonwealth Countries (Membership) Order 2012 (SR 2012/317).

Schedule 1: amended (with effect on 9 July 1982), on 26 October 2012, by clause 3(3) of the Commonwealth Countries (Membership) Order 2012 (SR 2012/317).

Schedule 1: amended (with effect on 13 November 1995), on 26 October 2012, by clause 3(4) of the Commonwealth Countries (Membership) Order 2012 (SR 2012/317).

Schedule 1: amended (with effect on 21 March 1990), on 26 October 2012, by clause 3(5) of the Commonwealth Countries (Membership) Order 2012 (SR 2012/317).

Schedule 1: amended (with effect on 1 October 1989), on 26 October 2012, by clause 3(6) of the Commonwealth Countries (Membership) Order 2012 (SR 2012/317).

Schedule 1: amended (with effect on 29 November 2009), on 26 October 2012, by clause 3(7) of the Commonwealth Countries (Membership) Order 2012 (SR 2012/317).

Schedule 1: amended (with effect on 4 July 1997), on 26 October 2012, by clause 3(8)(a) of the Commonwealth Countries (Membership) Order 2012 (SR 2012/317).

Schedule 1: amended (with effect on 4 July 1997), on 26 October 2012, by clause 3(8)(b) of the Commonwealth Countries (Membership) Order 2012 (SR 2012/317).

Schedule 1: amended (with effect on 19 September 1983), on 26 October 2012, by clause 3(9) of the Commonwealth Countries (Membership) Order 2012 (SR 2012/317).

Schedule 1: amended (with effect on 1 June 1994), on 26 October 2012, by clause 3(10) of the Commonwealth Countries (Membership) Order 2012 (SR 2012/317).

Schedule 1: amended (with effect on 7 December 2003), on 26 October 2012, by clause 3(11) of the Commonwealth Countries (Membership) Order 2012 (SR 2012/317).

Schedule 1: amended (with effect on 30 July 1980), on 12 July 1982, by clause 2 of the Commonwealth Countries (Vanuatu, Belize, and Antigua and Barbuda) Order 1982 (SR 1982/170).

Schedule 1: amended (with effect on 21 September 1981), on 12 July 1982, by clause 3 of the Commonwealth Countries (Vanuatu, Belize, and Antigua and Barbuda) Order 1982 (SR 1982/170).

Schedule 1: amended (with effect on 1 November 1981), on 12 July 1982, by clause 4 of the Commonwealth Countries (Vanuatu, Belize, and Antigua and Barbuda) Order 1982 (SR 1982/170).

Schedule 1: amended (with effect on 12 June 1979), on 26 June 1980, by clause 2 of the Commonwealth Countries (Kiribati, St Vincent and the Grenadines, and Zimbabwe) Order 1980 (SR 1980/119).

Schedule 1: amended (with effect on 27 October 1979), on 26 June 1980, by clause 3 of the Commonwealth Countries (Kiribati, St Vincent and the Grenadines, and Zimbabwe) Order 1980 (SR 1980/119).

Schedule 1: amended (with effect on 7 July 1978), on 28 June 1979, by clause 2 of the Commonwealth Countries (Solomon Islands, Tuvalu, Dominica, and St Lucia) Order 1979 (SR 1979/123).

Schedule 1: amended (with effect on 1 October 1978), on 28 June 1979, by clause 3 of the Commonwealth Countries (Solomon Islands, Tuvalu, Dominica, and St Lucia) Order 1979 (SR 1979/123).

Schedule 1: amended (with effect on 3 November 1978), on 28 June 1979, by clause 4 of the Commonwealth Countries (Solomon Islands, Tuvalu, Dominica, and St Lucia) Order 1979 (SR 1979/123).

Schedule 1: amended (with effect on 22 February 1979), on 28 June 1979, by clause 5 of the Commonwealth Countries (Solomon Islands, Tuvalu, Dominica, and St Lucia) Order 1979 (SR 1979/123).

## Schedule 2

### Enactments repealed

s 6(2)

**Evidence Act 1908 (1908 No 56) (Reprinted 1965, Vol 3, p 1387)**

*Amendment(s) incorporated in the Act(s).*

**Evidence Amendment Act 1976 (1976 No 89)**

**Lesotho Act 1967 (1967 No 13)**

**Malaysia Act 1963 (1963 No 59)**

**Republic of Bangladesh Act 1972 (1972 No 13)**

**Republic of Botswana Act 1967 (1967 No 14)**

**Republic of Cyprus Act 1961 (1961 No 14)**

**Republic of Ghana Act 1960 (1960 No 6)**

**Republic of Guyana Act 1970 (1970 No 5)**

**Republic of India Act 1950 (1950 No 14) (Reprinted 1957, Vol 13, p 269)**

**Republic of Ireland Act 1950 (1950 No 13) (Reprinted 1957, Vol 13, p 271)**

**Republic of Kenya Act 1965 (1965 No 51)**

**Republic of Malawi Act 1966 (1966 No 16)**

**Republic of Nauru Act 1969 (1969 No 2)**

**Republic of Nigeria Act 1963 (1963 No 58)**

**Republic of Sierra Leone Act 1971 (1971 No 30)**

**Republic of Singapore Act 1966 (1966 No 4)**

**Republic of Sri Lanka Act 1972 (1972 No 14)**

**Republic of Tanzania Act 1966 (1966 No 3)**

**Republic of The Gambia Act 1970 (1970 No 6)**

**Republic of Zambia Act 1965 (1965 No 50)**

**Swaziland Act 1968 (1968 No 47)**

**Tonga Act 1970 (1970 No 16)**

**Uganda Act 1964 (1964 No 21)**

**Western Samoa Act 1961 (1961 No 68)**

*Amendment(s) incorporated in the Act(s).*

**Western Samoa Amendment Act 1970 (1970 No 123)**

*Amendment(s) incorporated in the Act(s).*

## Notes

### **1** *General*

This is a consolidation of the Commonwealth Countries Act 1977 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### **2** *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### **3** *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### **4** *Amendments incorporated in this consolidation*

Secondary Legislation Act 2021 (2021 No 7): section 3

District Court Act 2016 (2016 No 49): section 261

Commonwealth Countries (Membership) Order 2012 (SR 2012/317)

Evidence Act 2006 (2006 No 69): section 216

Foreign Affairs Amendment Act 1993 (1993 No 48): section 6(1)

Commonwealth Countries (Vanuatu, Belize, and Antigua and Barbuda) Order 1982 (SR 1982/170)

Commonwealth Countries (Kiribati, St Vincent and the Grenadines, and Zimbabwe) Order 1980 (SR 1980/119)

Commonwealth Countries (Solomon Islands, Tuvalu, Dominica, and St Lucia) Order 1979 (SR 1979/123)