



ST HELENA

REVISED EDITION OF THE LAWS, 2017

COURTS AND JUSTICE

COMMISSIONERS FOR OATHS ORDINANCE, 1968¹

*Ordinance 5 of 1968
In force 24 January 1968*

*Amended by Ordinances 10 of 1986 (in force 29 September 1986) and 12 of 2013
(in force 18 October 2013.)*

Subsidiary legislation:

COMMISSIONERS FOR OATHS RULES, 1968

*Legal Notice 2 of 1968
Amended by L.N. 10/1989, L.N. 15/2009, L.N. 41/2013*

COMMISSIONERS FOR OATHS ORDINANCE, 1968

ARRANGEMENT OF SECTIONS

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AN ORDINANCE to provide for the appointment of Commissioners for Oaths and for connected and incidental purposes.

Short title

1. This Ordinance may be cited as the Commissioners for Oaths Ordinance, 1968.

Appointment of Commissioners for Oaths

2. (1) The Governor may, by commission under his hand, appoint any Justice of the Peace to be a Commissioner for Oaths.

¹ Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 1 November 2017.

(2) A Commissioner for Oaths holds office as such so long as he or she continues to be a Justice of the Peace, unless—

- (a) the commission is earlier revoked; or
- (b) by writing under his or her hand addressed to the Governor, the Commissioner resigns the commission.

(3) A commission issued under this Ordinance must not be revoked unless the Commissioner named in the commission has been given an opportunity of being heard against such revocation.

(4) After a commission has been duly signed as provided in section 2(1), the appointment of the person named in it as a Commissioner for Oaths must be published in the *Gazette*.

Commissioners for Oaths to sign roll

3. Every person appointed as a Commissioner for Oaths must, on appointment, sign a roll to be kept by the Supreme Court.

Registrar and Advocates of Supreme Court to be commissioners for oaths

4. The Registrar of the Supreme Court, and every person enrolled as an advocate of the Supreme Court has, without further warrant or commission, all the powers and duties of Commissioners for Oaths.

Powers of Commissioners for Oaths

5. (1) A Commissioner for Oaths may, by virtue of the commission, administer any oath or take any affidavit for the purpose of any court or matter, including ecclesiastical matters and matters relating to the registration of any instrument, whether under any written law or otherwise.

(2) A Commissioner for Oaths is, in the exercise of any of the powers conferred by this Ordinance, entitled to charge and be paid the fees authorised by rules made under section 8.

Particulars to be stated in *jurat*

6. Every Commissioner for Oaths before whom any oath or affidavit is taken or made must state truly in the *jurat* at what place and on what date the oath or affidavit was taken or made.

Offences and penalty

7. A person who is not a Commissioner for Oaths duly appointed in accordance with this Ordinance, or who does not otherwise have the powers of a Commissioner for Oaths and who—

- (a) holds himself or herself out as a Commissioner for Oaths; or
 - (b) receives any fee or reward as a Commissioner for Oaths,
- commits an offence.

Penalty: A fine of £5,000 or imprisonment for 2 years, or both.

Rules

8. The Governor in Council may make rules for better carrying into effect the provisions of this Ordinance, and, without limiting that power, may make rules in respect of all or any of the following matters—

- (a) the form of a commission;
- (b) the matters to be observed before taking any oath in relation to deponents and documents;
- (c) the forms of *jurats* and identification of exhibits;
- (d) the matters in respect of which fees may be charged and the amount of them.

COMMISSIONERS FOR OATHS ORDINANCE, 1968

COMMISSIONERS FOR OATHS RULES, 1968

(Section 5)

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Citation

1. These Rules may be cited as the Commissioners for Oaths Rules, 1968.

Form of commission

2. Every commission must be in the form set out in the First Schedule to these Rules.

Fees

3. (1) A Commissioner for Oaths may charge the fees set out in the Second Schedule to these rules in respect of the matters specified in it.

(2) Any fee charged by a Commissioner who administers an oath in the course of duties as a public officer must be paid into the Consolidated Fund.

Commissioner to be satisfied as to identity, etc. of deponent

4. A Commissioner before taking an oath must be satisfied that the person named as the deponent and the person before the Commissioner are the same and that such person understands what he or she is doing in taking the oath.

Exhibits

5. All exhibits to affidavits must be securely affixed to them and be marked with serial letters of identifications.

Forms of *jurat* and identification

6. The forms of *jurat* and of identification of exhibits must be as set out in the Third Schedule to these rules.

FIRST SCHEDULE

FORM OF COMMISSION
(Rule 2)

To all to whom these presents may come, greeting:

Be it known that on the day of, 20.....,
.....(name) has been appointed to be a Commissioner for
Oaths under the provisions of the above-mentioned Ordinance for so long as he/she continues
to hold office as a Justice of the Peace and this commission is not revoked.

Given under my hand this day of, 20..... .

Governor

SECOND SCHEDULE

FEES
(Rule 3)

- | | | |
|----|---|--------|
| 1. | For taking an affidavit | £2.50 |
| 2. | For every exhibit to an affidavit | £1.00 |
| 3. | For attending to administer an oath or affirmation
elsewhere than at the house or place of business of the
Commissioner, or at the Court House, Jamestown,
an additional fee not exceeding | £10.00 |

THIRD SCHEDULE

FORM OF JURAT
(Rule 6)

Sworn/Affirmed before me, this day of, 20....., at
.....

Commissioner for Oaths

FORM OF IDENTIFICATION OF EXHIBIT

This is the exhibit marked “.....” referred to in the annexed affidavit of
..... sworn before me this day of
..... 20....., at

Commissioner for Oaths
