



Isle of Man

Ellan Vannin

AT 8 of 1952

PERJURY ACT 1952



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**Isle of Man***Ellan Vannin*

PERJURY ACT 1952

<i>Received Royal Assent:</i>	<i>23 May 1952</i>
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AN ACT to revise the law relating to perjury and kindred offences.

GENERAL NOTES

1. References to any Division or Jurisdiction of the High Court are to be construed in accordance with the *High Court Act 1991*.

1 Perjury

[1911/1]

- (1) If any person lawfully sworn as a witness or as an interpreter in a judicial proceeding wilfully makes a statement material in that proceeding, which he knows to be false or does not believe to be true, he shall be guilty of perjury, and shall, on conviction thereof on indictment, be liable to imprisonment for a term not exceeding seven years or to a fine, or to both such imprisonment and fine.¹
- (2) The expression “judicial proceeding” includes a proceeding before any court, tribunal, or person having by law power to hear, receive, and examine evidence on oath.
- (3) Where a statement made for the purposes of a judicial proceeding is not made before the tribunal itself, but is made on oath before a person authorised by law to administer an oath to the person who makes the statement, and to record or authenticate the statement, it shall, for the purposes of this section, be treated as having been made in a judicial proceeding.
- (4) A statement made by a person lawfully sworn in the Isle of Man for the purposes of a judicial proceeding —
 - (a) in any part of Her Majesty’s dominions or any territory under Her Majesty’s protection or in which she has jurisdiction; or
 - (b) in a British tribunal lawfully constituted in any place by sea or land outside Her Majesty’s dominions; or

- (c) in a tribunal of any foreign state,
shall, for the purposes of this section, be treated as a statement made in a judicial proceeding in the Isle of Man.
- (5) Where, for the purposes of a judicial proceeding in the Isle of Man, a person is lawfully sworn under the authority of an Act of Tynwald —
 - (a) in any part of Her Majesty's Dominions or any territory under Her Majesty's protection or in which she has jurisdiction; or
 - (b) before a British tribunal or a British Officer in a foreign country, or within the jurisdiction of the Admiralty of England;a statement made by such person so sworn as aforesaid (unless the Act of Tynwald under which it was made otherwise specifically provides) shall be treated for the purposes of this section as having been made in the judicial proceeding in the Isle of Man for the purposes whereof it was made.
- (6) The question whether a statement on which perjury is assigned was material is a question of law to be determined by the court of trial.

1A False unsworn statement under Evidence (Proceedings in Other Jurisdictions) Act 1975

If any person, in giving any testimony (either orally or in writing) otherwise than on oath, where required to do so by an order under section 2 of the Evidence (Proceedings in Other Jurisdictions) Act 1975 (an Act of Parliament extended to the Isle of Man by the Evidence (Proceedings in Other Jurisdictions) (Isle of Man) Order 1979), makes a statement —

- (a) which he knows to be false in a material particular, or
- (b) which is false in a material particular and which he does not believe to be true,

he shall be guilty of an offence and shall be liable on conviction on information to imprisonment for a term not exceeding two years or a fine or both.²

2 False statements on oath made otherwise than in a judicial proceeding [1911/2]

If any person being required or authorised by law to make any statement on oath for any purpose, and being lawfully sworn (otherwise than in a judicial proceeding) wilfully makes a statement which is material for that purpose and which he knows to be false or does not believe to be true he shall be guilty of a misdemeanour, and, on conviction thereof on indictment, shall be liable to imprisonment for a term not exceeding seven years or to a fine, or to both such imprisonment and fine.³

3 False statements, etc, with reference to marriage

[1911/3]

(1) If any person —

- (a) for the purpose of procuring a marriage, or a certificate or licence for marriage, knowingly and wilfully makes a false oath, or makes or signs a false declaration, notice or certificate required under any Act of Tynwald for the time being in force relating to marriage; or
- (b) knowingly and wilfully makes, or knowingly and wilfully causes to be made, for the purpose of being inserted in any register of marriage or register of conversions, a false statement as to any particular required by law to be known and registered relating to any marriage or any civil partnership which is to be converted into a marriage; or⁴
- (c) forbids the issue of any certificate or licence for marriage by falsely representing himself to be a person whose consent to the marriage is required by law knowing such representation to be false,

he shall be guilty of a misdemeanour, and on conviction thereof on indictment, shall be liable to imprisonment for a term not exceeding seven years or to a fine, or to both such imprisonment and fine, and on summary conviction thereof shall be liable to a fine not exceeding level 5 on the standard scale.⁵

- (2) No prosecution on indictment for knowingly and wilfully making a false declaration for the purpose of procuring any marriage out of the district in which the parties or one of them dwell shall take place after the expiration of eighteen months from the solemnisation of the marriage to which the declaration refers.
- (3) Summary proceedings for an offence under this section may be instituted at any time within twelve months after the commission of the offence.⁶
- (4) In subsection (1)(b), “register of conversions” means the register of conversions of civil partnerships into marriages kept by the Registrar General in accordance with section 27A of the *Civil Partnership Act 2011* and regulations made under that section.⁷

4 False statements, etc, as to births or deaths

[1911/4]

(1) If any person —

- (a) wilfully makes any false answer to any question put to him by any registrar or deputy registrar of births or deaths relating to the particulars required to be registered concerning any birth or death, or, wilfully gives to any such registrar any false information concerning any birth or death or the cause of any death; or

- (b) wilfully makes any false certificate or declaration under or for the purposes of any Act relating to the registration of births or deaths, or, knowing any such certificate or declaration to be false, uses the same as true or gives or sends the same as true to any person; or
- (c) wilfully makes, gives or uses any false statement or declaration as to a child born alive as having been still-born, or as to the body of a deceased person or a still-born child in any coffin, or falsely pretends that any child born alive was still-born; or
- (d) makes any false statement with intent to have the same inserted in any register of births or deaths:

he shall be guilty of a misdemeanour and shall be liable —

- (i) on conviction thereof on indictment, to imprisonment for a term not exceeding seven years or to a fine;⁸
 - (ii) on summary conviction thereof, to a fine not exceeding level 5 on the standard scale.⁹
- (2) A prosecution on indictment for an offence against this section shall not be commenced more than three years after the commission of the offence.
 - (3) Summary proceedings for an offence under this section may be instituted at any time within twelve months after the commission of the offence.¹⁰

5 False statutory declarations and other false statements without oath

[1911/5]

If any person knowingly and wilfully makes (otherwise than on oath) a statement false in material particular, and the statement is made —

- (a) in a statutory declaration; or
- (b) in an abstract, account, balance sheet, book, certificate, declaration, entry, estimate, inventory, notice, report, return, or other document which he is authorised or required to make, attest, or verify, by any Act of Tynwald for the time being in force; or
- (c) in any oral declaration or oral answer which he is required to make by, under, or in pursuance of any Act of Tynwald for the time being in force,

he shall be guilty of a misdemeanour and shall be liable on conviction thereof on indictment to imprisonment for any term not exceeding two years, or to a fine or to both such imprisonment and fine.¹¹

6 False declarations, etc, to obtain registration, etc, for carrying on a vocation

[1911/6]

If any person —

- (a) procures or attempts to procure himself to be registered on any register or roll kept under or in pursuance of any Act of Tynwald for the time being in force of persons qualified by law to practice any vocation or calling; or
- (b) procures or attempts to procure a certificate of the registration of any person on any such register or roll as aforesaid,

by wilfully making or producing or causing to be made or produced either verbally or in writing, any declaration, certificate, or representation which he knows to be false or fraudulent, he shall be guilty of a misdemeanour and shall be liable on conviction thereof on indictment to imprisonment for any term not exceeding twelve months, or to a fine, or to both such imprisonment and fine.

7 Aiders, abettors, suborners etc

[1911/7]

- (1) Every person who aids, abets, counsels, procures, or suborns another person to commit an offence against this Act shall be liable to be proceeded against, indicted, tried and punished as if he were a principal offender.
- (2) Every person who incites or attempts to procure or suborn another person to commit an offence against this Act shall be guilty of a misdemeanour, and, on conviction thereof on indictment, shall be liable to imprisonment, or to a fine, or to both such imprisonment and fine.

8 Power to direct a prosecution for perjury

[1911/9]

- (1) Where any of the following authorities, namely a judge of, or person presiding in, a court of record or a court of summary jurisdiction, is of opinion that any person has, in the course of a proceeding before that authority, been guilty of perjury, the authority may order the prosecution of that person for such perjury, in case there shall appear to be reasonable cause for such prosecution, and may commit him, or admit him to bail, to take his trial at the proper court, and may require any person to enter into a recognisance to prosecute or give evidence against the person whose prosecution is so ordered, and may give the person so bound to prosecute a certificate of the making of the order for the prosecution, for which certificate no charge shall be made.¹²
- (2) An order made or a certificate given under this section shall not be given in evidence for the purpose or in the course of any trial of a prosecution resulting therefrom.

9 Form of indictment

[1911/12]

- (1) In an indictment —

- (a) for making any false statement or false representation punishable under this Act; or
- (b) for unlawfully, wilfully, falsely, fraudulently, deceitfully, maliciously, or corruptly taking, making, signing, or subscribing any oath, affirmation, solemn declaration, statutory declaration, affidavit, deposition, notice, certificate, or other writing,

it is sufficient to set forth the substance of the offence charged, and before which court or person (if any) the offence was committed without setting forth the proceedings or any part of the proceedings in the course of which the offence was committed and without setting forth the authority of any court or person before whom the offence was committed.

- (2) In any indictment for aiding, abetting, counselling, suborning, or procuring any other person to commit any offence hereinbefore in this section mentioned, or for conspiring with any other person, or with attempting to suborn or procure any other person, to commit any such offence, it is sufficient —
 - (a) where such offence has been committed to allege that offence, and then to allege that the defendant procured the commission of that offence; and
 - (b) where such offence has not been committed, to set forth the substance of the offence charged against the defendant without setting forth any matter or thing which it is unnecessary to aver in the case of an indictment for a false statement or false representation punishable under this Act.

10 Corroboration

[1911/13]

A person shall not be liable to be convicted of any offence against this Act, or of any offence declared by any other Act to be perjury or subornation of perjury, or to be punishable as perjury or subornation of perjury solely upon the evidence of one witness as to the falsity of any statement alleged to be false.

11 Proof of certain proceedings on which perjury is assigned

[1911/14]

On a prosecution —

- (a) for perjury alleged to have been committed on the trial of an indictment for felony or misdemeanour; or
- (b) for procuring or suborning the commission of perjury on any such trial,

the fact of the former trial shall be sufficiently proved by the production of a certificate containing the substance and effect (omitting the formal parts) of the indictment and trial purporting to be signed by the clerk of the court, or other person having the custody of the records of the court where the indictment was

tried, or by the deputy of that clerk or other person, without proof of the signature or official character of the clerk or person appearing to have signed the certificate.

12 Interpretation, etc

[1911/15]

(1) For the purposes of this Act, the forms and ceremonies used in administering an oath are immaterial, if the court or person before whom the oath is taken has power to administer an oath for the purpose of verifying the statement in question, and if the oath has been administered in a form and with ceremonies which the person taking the oath has accepted without objection, or has declared to be binding on him.

(2) In this Act —

The expression “**oath**” in the case of persons for the time being allowed by law to affirm or declare instead of swearing, includes “affirmation” and “declaration”, and the expression “**swear**” in the like cases includes “**affirm**” and “**declare**”; and

The expression “**statutory declaration**” means a declaration made by virtue of the *Evidence Act, 1871*, or of any Act, Order, rule or regulation applying or extending the provisions thereof; and

The expression “**indictment**” includes “**information**”.

13 Savings

[1911/16]

(1) Where the making of a false statement is not only an offence under this Act, but also by virtue of some other Act is a corrupt practice or subjects the offender to any forfeiture or disqualification or to any penalty other than penal servitude, or imprisonment, or fine, the liability of the offender under this Act shall be in addition to and not in substitution for his liability under such other Act.

(2) Nothing in this Act shall apply to a statement made without oath by a child under the provisions of the Children Acts, 1910 to 1949.

(3) Where the making of a false statement is by any other Act whether passed before or after the commencement of this Act, made punishable on summary conviction, proceedings may be taken either under such other Act or under this Act:

Provided that where such an offence is by any Act passed before the commencement of this Act, as originally enacted, made punishable only on summary conviction, it shall remain only so punishable.

14 [Repealed]¹³**15 Short Title**

This Act may be cited as the Perjury Act, 1952, and shall be construed as one with the Criminal Law Acts, 1872 to 1952, and such Acts and this Act may be together cited as the Criminal Law Acts, 1872 to 1952.

16 Commencement

This Act shall come into operation when the Royal Assent thereto has been by the Governor announced to Tynwald and a Certificate thereof has been signed by the Governor and the Speaker of the House of Keys.

SCHEDULE¹⁴

ENDNOTES

Table of Endnote References

¹ Subs (1) amended by Criminal Law Act 1981 Sch 7.

² S 1A inserted by SI1979/1711.

³ S 2 amended by Criminal Law Act 1981 Sch 7.

⁴ Para (b) amended by SD2016/0193.

⁵ Subs (1) amended by Criminal Law Act 1981 Sch 7 and by Fines and Penalties Act 2024 Sch 5.

⁶ Subs (3) amended by Summary Jurisdiction Act 1989 Sch 6.

⁷ Subs (4) inserted by SD2016/0193 and amended by Central Registry Act 2018 Sch.

⁸ Para (i) amended by Criminal Law Act 1981 Sch 7.

⁹ Para (ii) amended by Criminal Law Act 1981 Sch 7 and by Fines and Penalties Act 2024 Sch 5.

¹⁰ Subs (3) amended by Summary Jurisdiction Act 1989 Sch 6.

¹¹ S 5 amended by Criminal Law Act 1981 Sch 7.

¹² Subs (1) amended by Statute Law Revision Act 1997 Sch 1.

¹³ S 14 repealed by Statute Law Revision Act 1983 Sch 2.

¹⁴ Sch repealed by Statute Law Revision Act 1983 Sch 2.