

CAYMAN ISLANDS



VOLUNTARY DECLARATIONS LAW

(1998 Revision)

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VOLUNTARY DECLARATIONS LAW

(1998 Revision)

Short title

1. This Law may be cited as the *Voluntary Declarations Law (1998 Revision)*.

Declaration substituted for oath in certain cases.

2. In any case when, by any Act or law made or to be made, any oath or affidavit might, but for the passing of this Law, be required to be taken or made by any person or persons on the doing of any act, matter or thing, for the purpose of verifying any book, entry or return, or for any other purpose whatsoever, it shall be lawful to substitute a declaration in lieu thereof before any Justice; and such Justice is empowered to take and subscribe the same.

By-laws to authorise substitution of declaration for oath

3. It shall be lawful for any body corporate authorised to administer or receive any oath or affidavit, to make by-laws or orders, authorising and directing the substitution of, or declaration in lieu of, any oath or affidavit required to be taken or made:
Provided that such by-laws and orders are not repugnant to the laws of the Islands regulating such bodies corporate.

Saving as to oath of allegiance

4. Nothing in this Law shall extend or apply to the oath of allegiance in any case in which the same now is or may be required to be taken by any person who may be appointed to any office; but such oath of allegiance shall continue to be required, and shall be administered and taken as well and in the same manner as if this Law had not been passed.

Saving as to oaths. etc., in judicial proceedings

5. Nothing in this Law shall extend or apply to any oath, affidavit or affirmation, which now is or hereafter may be made or taken, or be required to be made or taken, in any judicial proceeding in any court of justice, or in any proceeding for or by way of summary conviction; but all such oaths, affidavits and affirmations shall continue to be required, and to be administered, taken and made as well and in the same manner as if this Law had not been passed.

Fee on oath to be paid on declaration

6. Whenever any declaration is made and subscribed by any person or persons under this Law, or every such fee as would have been due and payable on the taking and making any legal oath or affidavit shall be in like manner due and payable upon making and subscribing such declaration.

Declaration to be in form in Schedule

7. In all cases when a declaration in lieu of an oath or affidavit has been substituted by this Law, or by virtue of any power or authority hereby given, or when a declaration is directed or authorised to be made and subscribed under the authority of this Law, or of any power hereby given, although the same be not substituted in lieu of an oath, heretofore legally taken, such declaration unless otherwise directed under the powers hereby given, shall be in the form in the Schedule.

Justices not to administer oath unless in matter of which they have cognizance

8. It shall not be lawful for any Justice or other person to administer, or cause or allow to be administered, or to receive or cause or allow to be received, any oath, affidavit or solemn affirmation, touching any matter or thing whereof such Justice or other person, has not jurisdiction or cognizance by some statute in force at the time being:
Provided always that nothing herein contained shall be construed to extend to any oath, affidavit or solemn affirmation before any Justice in any matter or thing touching the preservation of the peace, or the prosecution, trial or punishment of offences, nor to any oath, affidavit or solemn affirmation which may be required by the laws of any foreign country to give validity to instruments in writing designed to be used in such foreign countries respectively.



Law not to extend to oath taken by Governor, etc.

9. Nothing in this Law shall extend or apply to any oath, affidavit or affirmation which now is or hereafter may be made or taken, or be required to be made or taken, by any public officer of the Islands, upon his entering upon or during his continuance in office, but all such oaths, affidavits and affirmations shall continue to be required and to be administered, taken and made, as well and in the same manner as if this Law had not been passed.

Power to make declarations as to certain recitals in deeds, etc.

10. It shall be lawful for any Justice, Notary Public or other officer by law authorised to administer an oath, to take and receive the declaration of any person voluntarily making the same before him, by virtue of this Law, in proof of the recitals contained in any deed or other instrument relating to real property so far as the same relate to the birth, death or marriage of the person making such deed or other instrument, or of any member of the same family or to the pedigree or possession of the person making such deed or other instrument, or any person or persons through whom he claims.

Under what circumstances declarations receivable in evidence

11. Every declaration so made, if recorded within six months of the making of the same in the Office of the Public Recorder, shall in all actions and suits (in the event of the person making the same being dead or presumably dead) be received in evidence in proof of the recitals aforesaid, as if the person or persons making the same had appeared and sworn or affirmed the matters contained in such declaration *viva voce* in open court:

Provided that in every such declaration there shall be expressed the age, or supposed age, and addition of the person making such declaration, and the particular place of his abode.

SCHEDULE**Declaration**

(Section 7)

I, A.B. do solemnly and sincerely declare that..... and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the *Voluntary Declarations Law (1998 Revision)*.

Taken and acknowledged this..... day of....., 19 .

A.B.

before me

C.D.

Justice of the Peace

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January , 1998.**

Carmena H. Parsons
Clerk of Executive Council

