

## CHAPTER 79

## COMMISSIONERS FOR OATHS ORDINANCE

*To regulate the appointment and duties of Commissioners for Oaths.*

6th February, 1934

*ORDINANCE VIII of 1934, as amended by Ordinance XXX of 1936; Act XIX of 1955; Legal Notices 4 of 1963 and 46 of 1965; Acts XXVIII of 1965, XXXI of 1966, XVIII of 1971 and LVIII of 1974; Legal Notice 148 of 1975; Acts: XXXVI of 1979, XXXVI of 1986, XX of 1988, IV of 2004, III of 2006 and XXIV of 2011 and LI of 2020; and Legal Notice 426 of 2012.*

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

Short title.

2. In this Ordinance, unless the context otherwise requires -  
"oath", "swear" and "affidavit" include, in the case of persons allowed by any law to make a declaration or affirmation instead of taking an oath, a declaration or affirmation.

Interpretation.  
Added by:  
XXVIII. 1965.2

3. (1) The Minister responsible for justice may from time to time, by warrant under his hand, appoint persons, being public officers, public employees, advocates, or legal procurators, to be Commissioners for Oaths, and may at any time revoke any such appointment.

Appointment of  
Commissioners for  
Oaths.

(2) The Minister responsible for justice may also, from time to time, appoint persons, whether or not they are public officers, performing functions relating to the foreign service of the Government in any country outside Malta, to be Commissioners for Oaths in that country, and may at any time revoke any such appointment.

Amended by:  
XIX. 1955.2;  
L.N. 4 of 1963;  
XXVII 1965.3;  
XXXI. 1966.2;  
LVIII. 1974.68.  
Substituted by:  
XXXVI. 1979.2.  
Amended by:  
XXXVI. 1986.2;  
XX. 1988.2;  
IV. 2004.7;  
XXIV. 2011.101;  
LI.2020.2.

(3) The appointment of a public officer or public employee to be a Commissioner for Oaths and any appointment under subarticle (2) may be made either personally or by the designation of the office held or the functions performed by the person to be so appointed.

(4) Every appointment made under this article shall be published in the Government Gazette, and every such appointment made after 1st January, 1980 shall have effect only from the date of such publication.

4. A Commissioner for Oaths may administer any oath and take any affidavit for the purposes of any matter required by the laws of Malta or of any other country, or which is connected with any proceedings taken or to be taken before any court, or is reasonably intended to serve for a judicial purpose, or relates to the exercise of any civil right:

Powers of  
Commissioners for  
Oaths.  
Amended by:  
XIX. 1955.3;  
XXVIII. 1965.4;  
III. 2006.16.

Provided that a Commissioner for Oaths shall not exercise any of the powers given by this article in any proceedings in which he is the advocate for any of the parties to the proceedings or in which he is interested.

Duty of  
Commissioner for  
Oaths.

*Substituted by*  
*XXXVI. 1979.3.*  
*Amended by:*  
*L.N. 426 of 2012;*  
*LI.2020.3.*

5. (1) Every Commissioner for Oaths shall, before administering any oath, satisfy himself as to the identity of the person taking the oath and that such person thoroughly understands what he is going to swear to.

(2) The identity of the person taking the oath shall be ascertained by the production of a legally valid identification document, passport or other similar official document.

(3) In the exceptional case where the person taking the oath cannot be in Malta for reasons that the person has no control over, the Commissioner for oaths may give the oath by electronic means and the Commissioner for oaths shall, before administering the oath, satisfy himself with the use of electronic and visual means as to the identity of the person taking the oath and that such person thoroughly understands what he is going to swear to.

Commissioners for  
Oaths *ex officio*.

*Amended by:*  
*XXX. 1936.3;*  
*L.N. 46 of 1965;*  
*XVIII. 1971.4;*  
*LVIII. 1974.68;*  
*L.N. 148 of 1975;*  
*XX. 1988.3.*  
*Substituted by:*  
*IV. 2004.7.*  
*Amended by:*  
*XXIV. 2011.101.*

6. (1) The Attorney General, the Deputy Attorney General and such of the other Officers of the Attorney General as the said Attorney General may from time to time designate by notice in the Gazette, as well as the magistrates and the notaries, shall *ex-officio* be Commissioners for Oaths:

Provided that a notary may at any time by notice in writing to the Attorney General resign his office as Commissioner for Oaths, and such resignation shall be published in the Gazette.

(2) The designation referred to in subarticle (1) may be made by reference to a person or persons or by designation of the office or rank held.

Particulars to be  
stated in *jurat* or  
attestation.

*Amended by:*  
*LI.2020.4.*

7. Every Commissioner for Oaths before whom any oath or affidavit is taken or made under this Ordinance shall state truly in the *jurat* or attestation at what place and on what date the oath or affidavit is taken or made:

Provided that every Commissioner for Oaths before whom an oath is taken in accordance with sub-article (3) of article 5 shall state truly in the *jurat* or attestation at what place and on what date the oath was taken and that the oath was taken by electronic means.

Trial of offences.

*Added by:*  
*XXVIII. 1965.5.*  
*Cap. 9.*

8. Where the offence referred to in article 108 of the [Criminal Code](#) is committed before any officer appointed to be a Commissioner for Oaths under article 3(2), the offender may in Malta be prosecuted, tried and punished in the same manner and to the same extent as if the offence had been committed in Malta.

Power of Minister  
responsible for  
justice to make  
regulations.

*Amended by:*  
*L.N. 4 of 1963;*  
*XXXI. 1966.2.*

9. It shall be lawful for the Minister responsible for justice to make regulations prescribing the form and manner in which any oath shall be administered, the form in which any affidavit shall be drawn up and subscribed, and the fees which may be charged by any Commissioner for Oaths in respect of the administration of any oath or the taking of any affidavit.