



ST. HELENA

## CHAPTER 18

### **COMMISSIONERS FOR OATHS ORDINANCE** and Subsidiary Legislation

#### **Non-authoritative Consolidated Text**

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown [Telephone (+290) 2270; Fax (+290) 2454; email [pa.lawofficers@legalandlands.gov.sh](mailto:pa.lawofficers@legalandlands.gov.sh)]<sup>1</sup>

Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

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<sup>1</sup> These contact details may change during 2011 or early in 2012. In case of difficulty, email [shgwebsite@sainthelena.gov.sh](mailto:shgwebsite@sainthelena.gov.sh) or telephone (+290) 2470.

**CHAPTER 18****COMMISSIONERS FOR OATHS ORDINANCE**

*(Ordinances 5 of 1968 and 10 of 1986)*

AN ORDINANCE TO PROVIDE FOR THE APPOINTMENT OF COMMISSIONERS FOR OATHS AND FOR PURPOSES CONNECTED THEREWITH AND INCIDENTAL THERETO.

**Commencement**

*[24 January 1968]*

**Short title**

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

**Appointment, etc., 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.

(2) Every commissioner for oaths shall hold office as such so long as he continues to be a justice of the peace, unless his commission is earlier revoked, or, by writing under his hand addressed to the Governor, he resigns such commission.

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

(4) After a commission has been duly signed as hereinbefore provided, the appointment of the person therein named as a commissioner for oaths shall be published in the *Gazette*.

**Commissioners for oaths on appointment to sign roll**

3. Every person appointed a commissioner for oaths shall, on appointment, sign a roll which shall be kept by the Supreme Court.

**Registrar of Supreme Court and Attorney General to be commissioners for oaths**

4.<sup>2</sup> The Registrar of the Supreme Court and the Attorney General shall have, *virtute officii*, all the powers and duties of commissioners for oaths.

**Power of commissioners for oaths**

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

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<sup>2</sup> Section 4 amended by Ord. 10 of 1986

(2) A commissioner for oaths shall, in the exercise of any of the powers conferred upon him by the provisions of this Ordinance, be entitled to charge and paid such fees as may be authorised by rules made under the provisions of section 8 of this Ordinance:

Provided that any fee paid to the Registrar of the Supreme Court or the Attorney General shall be paid by them into the Treasury.

### **Particulars to be stated in jurat**

6. Every commissioner for oaths before whom any oath or affidavit is taken or made shall state truly in the jurat at what place and on what date the oath or affidavit is taken or made.

### **Offences and penalty**

7. Any person who—

- (a) holds himself out as a commissioner for oaths; or
- (b) receives any fee or reward as a commissioner for oaths,

unless he is a commissioner for oaths duly appointed in accordance with the provisions of this Ordinance shall be guilty of an offence and shall be liable on a first conviction to a fine not exceeding £50 and for a second and subsequent conviction shall be liable to a fine not exceeding £100 or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

### **Rules**

8. The Governor in Council may from time to time make rules for better carrying into effect the provisions of this Ordinance, and without prejudice to the generality of the foregoing 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 thereof.
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**COMMISSIONERS FOR OATHS RULES – SECTION 8**

*(Legal Notices 2 of 1968, 10 of 1989 and 15 of 2009)*

**Short title**

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

**Form of commission**

2. Every commission shall be in the form set out in the First Form of Schedule to these rules.

**Fees**

3. A commissioner for oaths shall be entitled to charge the fees set out in the Second Schedule to these rules in respect of matters therein specified.

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

4. A commissioner before taking an oath shall satisfy himself that the person named as the deponent and the person before him are the same and that such person is in a fit state to understand what he is doing.

**Exhibits**

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

**Forms of jurat and identification**

6. The forms of jurat and of identification of exhibits shall be those set out in the Third Schedule to these rules.
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**FIRST SCHEDULE**  
**FORM OF COMMISSION**

COMMISSIONERS FOR OATHS ORDINANCE

To all to whom these presents may come, Greeting:

Be it known that on the ..... day of .....,  
20....., ..... has been appointed to be  
a Commissioner for Oaths under the provisions of the above-mentioned Ordinance  
for so long as he 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.

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**SECOND SCHEDULE<sup>3</sup>**

**FEES**

- |   |        |
|---|--------|
| 1. For taking an affidavit.....   | £1.50  |
| 2. For every exhibit thereto .....  | £0.50  |
| 3. For attending to administer an oath or affirmation elsewhere than at<br>the house or place of business of the commissioner, or at the Court<br>House, Jamestown, an additional fee not exceeding ..... | £10.00 |

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**THIRD SCHEDULE**

**FORM OF JURAT**

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

COMMISSIONER FOR OATHS.

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<sup>3</sup> *Second Schedule substituted by LN 15 of 2009*

**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.

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