

COMMISSIONERS FOR OATHS ACT

Principal Act

Act. No. 1953-17		<i>Commencement</i>	4.12.1953
		<i>Assent</i>	20.11.1953
Amending enactments	Relevant current provisions	Commencement date	
Acts. 1965-15	s. 2(1)		
1973-31	s. 2(1A)		
1993-26	s. 8		1.12.1993 ¹

English source

Commissioners for Oaths Act 1889 (52 & 53 Vict. c.10).

¹ Notice of Commencement (LN.1993/183)

ARRANGEMENT OF SECTIONS.

Section

1. Short title.
2. Appointment of Commissioners for Oaths.
3. Annual publication of lists of Commissioners.
4. Powers of a commissioner and fees chargeable.
5. Powers of certain officers to administer oaths.
6. Particulars to be stated in jurat or attestation.
7. Offences and penalties.
8. Public Register.

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AN ACT TO PROVIDE FOR THE APPOINTMENT OF COMMISSIONERS FOR OATHS AND MATTERS RELATED THERETO.

Short Title.

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

Appointment of Commissioners for Oaths.

2. (1) The Stipendiary Magistrate and every Justice of the Peace, the Registrar and Deputy Registrar of the Supreme Court, the Clerk of the Court of First Instance*, the Clerk of the Magistrates' Court and the Commissioner of Stamp Duties shall be ex officio Commissioners for Oaths.

(1A) The Superintendent of the Prison shall be an ex officio Commissioner for Oaths in respect only of oaths sworn by prisoners in prison.

(2) The Governor may from time to time by notice in the Gazette appoint other persons to be commissioners for oaths, and may in the same manner revoke any such appointment.

Annual publication of lists of Commissioners.

3. The Registrar shall, as near as may be after the 1st day of December in every year, prepare a list of all Commissioners for Oaths appointed under section 2(2) and cause the same to be published in the Gazette.

Powers of a Commissioner and fees chargeable.

4. (1) A Commissioner for Oaths may administer any oath or take any affidavit or declaration for the purposes of any matter required to be sworn, declared and attested under any law relating to the registration of instruments or documents or under any law relating to passports, or under any law relating to any matter whatsoever; saving and excepting any oath under the Oaths Act and all such matters as may be provided for by the rules of court made under section 38 of the Supreme Court Act¹:

* *Court of first Instance Act repealed by the Administration of Justice Act 2004 (2004-11) s.3 as from 1.9.2004. All references to the Court of First Instance shall be read as if it were a reference to the Supreme Court (see Act 2004-11 s.7).*

¹ 1960-02

Provided that a Commissioner for Oaths shall not exercise any of the powers given by this section in any proceeding in which he is barrister or solicitor to any of the parties to the proceeding, or clerk to such barrister or solicitor, or in which he is interested.

(2) The Governor may by regulations prescribe what fees shall be payable to Commissioners for Oaths, and how and in what circumstances ex officio Commissioners shall account for such fees.

Powers of certain officers to administer oaths.

(1889 c.10, s.5). 5. Every person who, being an officer of or performing duties in relation to any court, is for the time being so authorized by the Chief Justice or by or in pursuance of any rules or orders regulating the procedure of the court, and every person directed to take an examination in any cause or matter in the Supreme Court, shall have authority to administer any oath or take any affidavit required for any purpose connected with his duties.

Particulars to be stated in jurat or attestation.

(1889 c.10, s.5). 6. Every Commissioner for Oaths before whom any oath or affidavit is taken or made under this Act shall state truly in the jurat or attestation at what address and on what date the oath or affidavit is taken or made.

Offences and penalties.

7. A person who, not being a commissioner for oaths appointed by or under this Act, holds himself out as a commissioner for oaths for the purpose of this Act, is guilty of an offence and is liable on conviction to imprisonment for six months and to a fine of £50.

Public Register.

8. (1) The Registrar shall keep a register of—
- (a) persons appointed under section 2A.
 - (b) persons registered under section 7.
- (2) The register provided for in sub-section (1) shall contain particulars—
- (a) of the persons appointed or registered, as the case may be;
 - (b) of the date of original appointment or registration and of any re-appointment or re-registration, as the case may be;

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- (c) of the address in Gibraltar at which the person carries on the activity of Commissioner for Oaths or Public Notary, as the case may be, and any change in that address;
 - (d) of the date on which an appointment or registration, as the case may be, was revoked or ceased.
- (3) Any person may, during normal office hours and at the office of the Registrar and on payment of the prescribed fee (if any), inspect the register provided for in sub-section (1).