

# REPRINT

## OATHS ACT (CAP. 23)

**As in force at: 1 March 1996**

**STATUS: CURRENT**

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**AN ACT TO MAKE PROVISION FOR THE TAKING OF OATHS, AND FOR MATTERS RELATING AND INCIDENTAL THERETO**

## **OATHS ACT (CAP. 23)**

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# **OATHS ACT (Cap. 23)**

**As in force at: 1 March 1996**

## **1 Short title**

This Act may be cited as the *Oaths Act*.

## **2 Authority for judicial officers to administer oaths**

- (1) Any Judge, Magistrate and justice of the peace may administer any lawful oath or take any affidavit, affirmation or declaration in relation to any matter or proceedings before him in the exercise of any jurisdiction or powers conferred upon him by any law for the time being in force.
- (2) Any Registrar of the High Court and any Clerk of a Magistrate's Court, acting under the directions of the judicial officer for the time being presiding over any such court, may administer any lawful oath or take any affidavit, affirmation or declaration which may be required to be taken in relation to any matter or proceedings before the court to which he is appointed as such Registrar or Clerk, as the case may be.

## **3 Commissioners for Oaths**

- (1) The Chief Justice may from time to time, by commission under his hand and the seal of the High Court, appoint persons being admitted to practise as barristers or solicitors before the High Court or other fit and proper persons to be Commissioners for Oaths, and may revoke any such appointment.
- (2) A Commissioner for Oaths may, by virtue of his commission, administer any oath or take any affidavit for the purposes of any court or matter in Solomon Islands, including matters relating to the registration of any instrument in Solomon Islands, and take any bail or recognisance in or for the purpose of any civil proceeding in the High Court or any Magistrate's Court:

Provided that a Commissioner for Oaths shall not exercise any of the

powers conferred by this section in any proceeding in which he is solicitor to any of the parties to the proceeding, or clerk to any such solicitor, or in which he is interested.

- (3) Any oath or affidavit required for the purpose of any court or matter in Solomon Islands, or for the registration of any instrument in Solomon Islands, may be taken or made in any place out of Solomon Islands before any person having authority to administer an oath in that place, and in the case of a person having such authority, otherwise than by the law of any country which is not part of the Commonwealth, judicial and official notice shall be taken of his seal or signature affixed, impressed or subscribed to or on any such oath or affidavit.
- (4) Every Commissioner for Oaths before whom any oath or affidavit is taken or made under this section shall state truly in the jurat or attestation at what place and on what date the oath or affidavit is taken or made.
- (5) The provisions of section 5 of the Commissioners for *Oaths Act, 1889*, shall apply in Solomon Islands as if they were fully set out in this section and references to the United Kingdom shall be construed as references to Solomon Islands
- (6) In this section:

**“affidavit”** includes affirmation, statutory or other declaration, acknowledgment, examination, and attestation or protestation of honour;

**“oath”** includes affirmation and declaration; and

**“swear”** includes affirm, declare and protest.

#### **4 Persons authorised to take certain statutory declarations**

Any of the persons mentioned in subsection (1) of section 2 and any Commissioner for Oaths may take any declaration made in the Solomon Islands in accordance with the provisions of the *Statutory Declarations Act, 1835*.

## ENDNOTES

### 1

#### KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

#### NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 23 of the Revised Edition of the Laws of Solomon Islands.

### 2

#### LIST OF LEGISLATION

##### ***Oaths Act (Cap. 23)***

<i>Constituent legislation:</i>	7 of 1962 (Commenced 4 August 1962)
	18 of 1964
	8 of 1965
	6 of 1967
	1 of 1970
	7 of 1970
	LN 12 of 1973
	2 of 1978

### 3

#### LIST OF AMENDMENTS