



BRITISH ANTARCTIC TERRITORY

THE COMMISSIONERS FOR OATHS ORDINANCE 2020

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BRITISH ANTARCTIC TERRITORY

Enacted by the Commissioner,
Ben Merrick,
XX XXXX 2020

Ordinance No. 5 of 2020

THE COMMISSIONERS FOR OATHS ORDINANCE 2020

AN ORDINANCE to provide for the appointment and functions of commissioners for oaths, for the administration of oaths or taking affidavits by certain other persons and for matters incidental thereto.

Citation and commencement.

1. This Ordinance may be cited as the Commissioners for Oaths Ordinance 2020 and shall come into force on XXXXXX.

Commissioners for oaths.

2. (1) The Senior Magistrate, the Registrar of the Supreme Court and every magistrate shall be *ex officio* commissioners for oaths.

(2) The Commissioner may, by notice which shall be published in the *Gazette*, appoint other persons to be commissioners for oaths.

Powers of commissioners for oaths.

3. (1) Subject to subsection (2), a commissioner for oaths may administer any oath or take any affidavit for the purposes of any court or matter in the Territory.

(2) A commissioner for oaths shall not exercise any of the powers given by this section in any proceedings in which he or she is interested.

(3) For the purposes of subsection (1), “any court” includes the Supreme Court and the Magistrate’s Court of the Falkland Islands, where that court is exercising jurisdiction to hear and determine any civil or criminal proceedings under the law of the Territory, pursuant to the Falkland Islands Courts (Overseas Jurisdiction) Order 1989.

Powers of officers of courts, etc., to administer oaths.

4. Every person who –

(a) being an officer of or performing duties in relation to any court, is for the time being so authorised –

(i) by the Commissioner, by notice which shall be published in the *Gazette*; or

(ii) by or in pursuance of any rule of procedure of the court; or

(iii) by directions given by any person or authority empowered by law to give directions as to the practice and procedure of the court; or

(b) is directed to take an examination in any cause or matter in the Supreme Court or the Magistrate's Court,

may administer any oath or take any affidavit for any purpose connected with his or her duties in that capacity.

Particulars to be stated in jurat.

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

Offences.

6. Any person who, not being a commissioner for oaths under this Ordinance, holds himself or herself out as such shall be guilty of an offence, which shall be triable only summarily, and shall be liable, on conviction, to a fine not exceeding £250.

Exclusion of the law of England on commissioners for oaths, etc.

7. For the avoidance of doubt it is hereby declared –

(a) that the foregoing provisions of this Ordinance (being “specific laws” within the meaning of that term in section 5 of the Administration of Justice Ordinance 2020) exclude the operation as part of the law of the Territory, by virtue of section 5(1)(b) of that Ordinance, of the law of England relating specifically to commissioners for oaths or the administration of oaths and taking of affidavits; but

(b) that the law of England, as for the time being in force in England, is otherwise in force in the Territory by virtue of the said section 5(1)(b) for the purposes of the administration and enforcement of this Ordinance.