

LAW OF BRUNEI

CHAPTER 169

COMMISSIONERS FOR OATHS

ARRANGEMENT OF SECTIONS

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COMMISSIONERS FOR OATHS ACT

S.21/93 **An Act relating to commissioners for oaths***Commencement : 26th August 1993*Citation **1.** This Act may be cited as the Commissioners for Oaths Act.Interpretation **2.** In this Act, unless the context otherwise requires —

“affidavit” includes affirmation, declaration (not being a statutory declaration), acknowledgment, examination and attestation.

Appointment of commissioners for oaths **3.** (1) The Chief Justice may, with the approval of the Minister responsible for law and by notification in the *Gazette*, appoint persons being advocates and solicitors of the Supreme Court to be commissioners for oaths.

(2) A commissioner for oaths appointed under subsection (1) shall not exercise any of the powers conferred on him by this Act in any proceeding in which he is an advocate or solicitor for any of the parties to the proceeding, in relation to any person who is a client of himself or of this firm, or in relation to any matter in which he is interested.

Taking of oaths outside Brunei Darussalam **4.** (1) Any oath or affidavit required for any purpose in Brunei Darussalam may be administered or taken in any place outside Brunei Darussalam by any person having authority to administer an oath in that place.

(2) In the case of a person having such authority otherwise than by the law of a foreign country, judicial and official notice shall be taken of his seal or signature affixed, impressed or subscribed to or on any such oath or affidavit.

5. The Chief Justice may authorise any person to administer an oath and take an affidavit for any purpose relating to prize proceedings in the Supreme Court, whilst that person is on the high seas or out of Brunei Darussalam and it shall not be necessary to affix any stamp to the document by which he is so authorised.

Appointment of persons to administer oaths for prize proceedings

6. (1) A commissioner for oaths (whether appointed under this Act or under any other written law) may administer an oath or take an affidavit for any purpose, whether under any written law or otherwise.

Powers of commissioners for oaths

(2) Every commissioner for oaths (whether appointed under this Act or under any other written law) before whom any oath or affidavit is administered or taken shall state truly in the jurat or attestation at what place and on what date the oath or affidavit was administered or taken.

7. (1) Every ambassador, envoy, minister, charge d'affaires, secretary or consular or other officer of a Brunei Darussalam embassy, legation or consulate, exercising his functions in a foreign country, may in that country, administer any oath or take any affidavit.

Powers as to oaths etc. abroad

(2) An oath or affidavit administered or taken by or before such a person as is specified in subsection (1) shall be as effectual as if duly administered or taken by or before a lawful authority in Brunei Darussalam.

(3) A document which purports to be signed by a person authorized to act by subsection (1) shall be admitted in evidence without proof that the document was signed by that person or of the latter's office.

8. An affidavit sworn under this Act shall be deemed to be such a declaration as is referred to in sections 199 and 200 of the Penal Code.

False statement in affidavit punishable under Penal Code

9. A commissioner for oaths appointed under this Act may charge such fees as the Chief Justice may prescribe by Act.

Fees

Rules

10. The Chief Justice may make rules for carrying the provisions of this Act into effect.

Caps. 3
and 12 not
affected

11. Nothing in this Act shall affect the provisions of the Oaths and Affirmations Act and the Statutory Declarations Act.

SUBSIDIARY LEGISLATION

Order under section 9

COMMISSIONERS FOR OATHS (FEES) ACT

S.9/94

ARRANGEMENT OF PARAGRAPHS

Paragraph

1. Citation
2. Prescription of fees

[Subsidiary]

Commencement : 1st May 1994

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|----------------------|---|--------|---|--------|-----|---|--------|-----|---|--------|-----|--|--------|
| Citation | 1. This Order may be cited as the Commissioners for Oaths (Fees) Order. | | | | | | | | | | | | |
| Prescription of fees | 2. The fees that may be charged by a commissioner for oaths are prescribed as follows — | | | | | | | | | | | | |
| | <table border="0" style="margin-left: 40px;"> <tr> <td style="padding-right: 20px;">(a)</td> <td style="padding-right: 20px;">on taking or retaking an oath, affidavit, or a declaration in lieu of an affidavit, for each person making the same</td> <td style="text-align: right; vertical-align: bottom;">\$4.00</td> </tr> <tr> <td>(b)</td> <td>for each exhibit referred to in a document specified in paragraph (a) and required to be marked</td> <td style="text-align: right; vertical-align: bottom;">\$2.00</td> </tr> <tr> <td>(c)</td> <td>for each document referred to in a deposition and required to be marked</td> <td style="text-align: right; vertical-align: bottom;">\$2.00</td> </tr> <tr> <td>(d)</td> <td>any affirmation not specified in paragraphs (a) to (c)</td> <td style="text-align: right; vertical-align: bottom;">\$4.00</td> </tr> </table> | (a) | on taking or retaking an oath, affidavit, or a declaration in lieu of an affidavit, for each person making the same | \$4.00 | (b) | for each exhibit referred to in a document specified in paragraph (a) and required to be marked | \$2.00 | (c) | for each document referred to in a deposition and required to be marked | \$2.00 | (d) | any affirmation not specified in paragraphs (a) to (c) | \$4.00 |
| (a) | on taking or retaking an oath, affidavit, or a declaration in lieu of an affidavit, for each person making the same | \$4.00 | | | | | | | | | | | |
| (b) | for each exhibit referred to in a document specified in paragraph (a) and required to be marked | \$2.00 | | | | | | | | | | | |
| (c) | for each document referred to in a deposition and required to be marked | \$2.00 | | | | | | | | | | | |
| (d) | any affirmation not specified in paragraphs (a) to (c) | \$4.00 | | | | | | | | | | | |