

CHAPTER 5

THE COMMISSIONERS FOR OATHS (ADVOCATES) ACT.

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CHAPTER 5

THE COMMISSIONERS FOR OATHS (ADVOCATES) ACT.

Commencement: 23 November, 1950.

An Act to consolidate the law relating to commissioners for oaths.

1. Appointment of practising advocates as commissioners for oaths.

(1) The Chief Justice may, from time to time, by commission signed by him or her appoint persons being practising advocates who have practised as such for not less than two years in Uganda immediately prior to making any application for appointment and who are certified to be fit and proper persons by two other practising advocates to be commissioners for oaths, and may revoke any such appointment; but the power to revoke a commission shall not be exercised till the commissioner in question has been given an opportunity of being heard against any such order of revocation.

(2) Each commission signed as provided in subsection (1) by which any commissioner for oaths shall be appointed shall bear a revenue stamp of the value of sixty shillings to be paid for by the commissioner for oaths named in the commission; but no other charge or fee shall be made or be payable in respect of the appointment or in respect of anything requisite to be done to perfect it.

(3) After the commission shall have been duly signed and stamped as provided in subsections (1) and (2), the appointment of the person named in it as a commissioner for oaths shall be immediately published in the Gazette.

(4) Each commission shall immediately terminate on the holder ceasing to practise as an advocate.

2. Every commissioner for oaths on appointment to sign a roll.

Every advocate appointed a commissioner for oaths shall, on appointment, sign a roll which shall be kept by the chief registrar of the High Court.

3. Magistrates and registrar to have, *virtute officii*, powers of a commissioner for oaths.

Every magistrate and the chief registrar of the High Court (which expression shall include deputy and district registrars) shall have, *virtute officii*, all the powers and duties of a commissioner for oaths.

4. Powers of a commissioner for oaths.

(1) A commissioner for oaths may, by virtue of his or her commission, in any part of Uganda, administer any oath or take any affidavit for the purpose of any court or matter in Uganda, including matters ecclesiastical, matters relating to the registration of any instrument, whether under an Act or otherwise, and take any bail or recognisance in or for the purpose of any civil proceeding in the High Court or any magistrate's court; except that a commissioner for oaths shall not exercise any of the powers given by this section in any proceeding or matter in which he or she is the advocate for any of the parties to the proceeding or concerned in the matter or clerk to any such advocate or in which he or she is interested.

(2) For the avoidance of doubt, a commissioner for oaths may take and receive a statutory declaration under the Statutory Declarations Act; and accordingly, any reference to an oath in this Act shall, with the necessary modifications, include a reference to a statutory declaration.

(3) A commissioner for oaths shall, in the exercise of any of the powers mentioned in subsections (1) and (2), be entitled to charge and be paid such fees as may be authorised by any rules made under section 7.

5. Particulars to be stated in jurat or attestation clause.

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 place and on what date the oath or affidavit is taken or made.

6. Penalty for unlawfully practising.

Any person who holds himself or herself out as a commissioner for oaths or receives any fee or reward as a commissioner for oaths when he or she is not a commissioner for oaths duly appointed as such in accordance with this Act commits an offence and, in addition to any other penalty or punishment to

which he or she may be liable by any law in force, is liable on conviction to a fine not exceeding six hundred shillings and for a second offence in addition to any other penalty or punishment stipulated in this section is liable to a fine of two thousand shillings or imprisonment for a period not exceeding six months or both.

7. Rules.

(1) The Chief Justice may from time to time make rules for better carrying into effect this Act and without prejudice to the generality of the foregoing may make rules in respect of all or any of the following matters—

- (a) the method of application for a commission;
- (b) the form of commission;
- (c) the matters to be observed before taking any oath in relation to deponents and documents;
- (d) the forms of jurat and identification of exhibits;
- (e) the matters in respect of which fees may be charged and the amount of the fees.

(2) The rules in the Schedule to this Act shall be deemed to have been made under the power conferred by subsection (1).

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Schedule.

s. 7.

Commissioner for Oaths Rules.

1. These Rules may be cited as the Commissioner for Oaths Rules.
 2. A practising advocate of the High Court who has practised as such for not less than two years in Uganda immediately prior to the date of the application may apply to the Chief Justice to be appointed a commissioner for oaths.
 3. All applications shall be made in writing and shall state the period during which the applicant has practised as an advocate in Uganda and the date on which he or she signed the roll of advocates, and shall be accompanied by a certificate signed by two other practising advocates to the effect that the applicant is a fit and proper person to be appointed.
 4. Applications shall be lodged with the chief registrar of the High Court who will notify the applicant of the decision of the Chief Justice in the application.
 5. On the advocate paying the fee of sixty shillings and signing the roll of commissioners, a commission shall be issued to him or her in the form set out in the First Schedule to these Rules.
 6. A commissioner for oaths shall be entitled to charge the fees set out in the Second Schedule to these Rules in respect of the matters mentioned in that Schedule.
 7. A commissioner before taking an oath must satisfy himself or herself that the person named as the deponent and the person before him or her are the same and that the person is outwardly in a fit state to understand what he or she is doing.
 8. All exhibits to affidavits shall be securely sealed to the affidavits under the seal of the commissioner and shall be marked with serial letters of identification.
 9. 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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SCHEDULES TO RULES

First Schedule to Rules.

rule 5.

Commission.

Republic of Uganda.
(The Commissioners for Oaths (Advocates) Act.)

To all to whom these presents may come, greeting.

Be it known that on the _____ day of _____, 20 ____, an advocate of the High Court has been appointed to be a commissioner for oaths under the above-mentioned Act for so long as he or she continues to practise as such advocate and this commission is not revoked.

Given under my hand and the seal of the court this _____ day of _____, 20 ____.

(L.S.)

Chief Justice

Revenue stamp.

Second Schedule to Rules.

rule 6.

Fees.

	shs.	cts.
1. For taking an affidavit or declaration	3	00
2. For every exhibit to an affidavit or declaration	1	50
3. Additional fee for attending to administer an oath or affirmation or to take a declaration elsewhere than at the office of the commissioner, for every quarter hour or part of it	11	25

Third Schedule to Rules.

rule 9.

Form of Jurat.

Sworn/Declared before me, _____,
this _____ day of _____, 20 _____, at _____
_____.

Commissioner for Oaths

Form of Identification of Exhibit.

This is the exhibit marked “ _____ ”
referred to in the annexed affidavit of _____
sworn/declared before me this _____ day of _____, 20 _____,
at _____.

Commissioner for Oaths

History: Cap. 53; S.I. 135/1968; Act 10/2000, s. 11.

Cross Reference

Statutory Declarations Act, Cap. 22.
