



Courts and Legal Services Act 1990

1990 CHAPTER 41

PART VI

MISCELLANEOUS AND SUPPLEMENTAL

Miscellaneous

113 Administration of oaths and taking of affidavits.

(1) In this section—

“authorised person” means—

- (a) any authorised advocate or authorised litigator, other than one who is a solicitor (in relation to whom provision similar to that made by this section is made by section 81 of the ^{M1} Solicitors Act 1974); or
- (b) any person who is a member of a professional or other body prescribed by the [^{F1}Secretary of State] for the purposes of this Section; and

“general notary” means any public notary other than—

- (a) an ecclesiastical notary; ^{F2} . . .
- (b)

(2) Section 1(1) of the ^{M2} Commissioners for Oaths Act 1889 (appointment of commissioners by Lord Chancellor) shall cease to have effect.

(3) Subject to the provisions of this section, every authorised person shall have the powers conferred on a commissioner for oaths by the Commissioners for Oaths Acts 1889 and 1891 and section 24 of the ^{M3} Stamp Duties Management Act 1891; and any reference to such a commissioner in an enactment or instrument (including an enactment passed or instrument made after the commencement of this Act) shall include a reference to an authorised person unless the context otherwise requires.

(4) Subject to the provisions of this section, every general notary shall have the powers conferred on a commissioner for oaths by the Commissioners for Oaths Acts 1889 and 1891; and any reference to such a concede in an enactment or instrument (including

Status: Point in time view as at 03/04/2006. This version of this provision has been superseded.

Changes to legislation: Courts and Legal Services Act 1990, Section 113 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

an enactment passed or instrument made after the commencement of this Act) shall include a reference to a general notary unless the context otherwise requires.

- (5) No person shall exercise the powers conferred by this section in any proceedings in which he is interested.
- (6) A person exercising such powers and before whom any oath or affidavit is taken or made shall state in the jurat or attestation at which place and on what date the oath or affidavit is taken or made.
- (7) A document containing such a statement and purporting to be sealed or signed by an authorised person or general notary shall be admitted in evidence without proof of the seal or signature, and without proof that he is an authorised person or general notary.
- (8) The [^{F1}Secretary of State] may, with the concurrence of the Lord Chief Justice and the Master of the Rolls, by order prescribe the fees to be charged by authorised persons exercising the powers of commissioners for oaths by virtue of this section in respect of the administration of an oath or the taking of an affidavit.
- (9) In this section “affidavit” has the same meaning as in the Commissioners for Oaths Act 1889.
- (10) Every—
- (a) solicitor who holds a practising certificate which is in force;
 - (b) authorised person;
 - (c) general notary; ^{F3} . . .
 - (d)
- shall have the right to use the title “Commissioner for Oaths”.

Textual Amendments

- F1** Words in s. 113(1)(8) substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, **Sch. 2 para. 8(1)(c)** (with arts. 6, 8)
- F2** S. 113(1): in definition of “general notary” para. (b) and preceding word repealed (1.11.1999) by 1999 c. 22, s. 106, **Sch. 15 Pt. II** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2679, art. 3(b), **Sch. 2 Pt. II para. 3(b)**
- F3** S. 113(10)(d) and preceding word repealed (1.11.1999) by 1999 c. 22, s. 106, **Sch. 15 Pt. II** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2679, art. 3(b), **Sch. 2 Pt. II para. 3(b)**

Modifications etc. (not altering text)

- C1** S. 113: transfer of functions (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), arts. 4, 5, **Sch. 1** (with arts. 6, 8)

Commencement Information

- I1** S. 113 wholly in force at 1. 4.1991 see s. 124(3) and S.I. 1991/608, art. 2, **Sch.**

Marginal Citations

- M1** 1974 c. 47.
M2 1889 c. 10.
M3 1891 c. 38.

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