



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 Solicitors Act 1974); or
- (b) any person who is a member of a professional or other body prescribed by the Lord Chancellor for the purposes of this section; and

“general notary” means any public notary other than—

- (a) an ecclesiastical notary; or
- (b) one who is a member of the Incorporated Company of Scriveners (in relation to whom provision similar to that made by this section is made by section 65 of the Administration of Justice Act 1985).

(2) Section 1(1) of the 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 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

Status: This is the original version (as it was originally enacted).

- and 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 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 Lord Chancellor 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; and
 - (d) member of the Incorporated Company of Scriveners (“the Company”) who has been admitted to practise as a public notary within the jurisdiction of the Company,
- shall have the right to use the title “Commissioner for Oaths”.