



# Statutory Declarations Act 1835

1835 CHAPTER 62 5 and 6 Will 4

1 .....<sup>F1</sup>

## Textual Amendments

**F1** Ss. 1, 22 and 23 repealed by [Statute Law Revision Act 1874 \(c. 35\)](#)

2 **Lords of the Treasury empowered to substitute a declaration in lieu of an oath, &c. in certain cases.**

In any case where by any Act or Acts made or to be made relating to the revenues of custom or excise, . . .<sup>F2</sup>, the office of stamps and taxes, . . .<sup>F3</sup>, the war office, the army pay office, the office of the treasurer of the navy,<sup>F4</sup>... or the ordnance, his Majesty's Treasury, Chelsea Hospital, Greenwich Hospital, the Board of Trade, or any of the offices of his Majesty's principal secretaries of state, the India board, the office for auditing the public accounts, the national debt office, or any office under the control, direction, or superintendence of the Treasury, or by any official regulation in any department, any oath, solemn affirmation, or affidavit might, but for the passing of this Act, be required to be taken or made by any person on the doing of any act, matter, or thing, or for the purpose of verifying any book, entry, or return or for any other purpose whatsoever, it shall be lawful for the Treasury, if they shall so think fit, by writing under their hands and seals, to substitute a declaration to the same effect as the oath, solemn affirmation, or affidavit, which might but for the passing of this Act be required to be taken or made; and the person who might under the Act or Acts imposing the same be required to take or make such oath, solemn affirmation, or affidavit, shall, in presence of the commissioners, collector, other officer or person empowered by such Act or Acts to administer such oath, solemn affirmation, or affidavit, make and subscribe such declaration; and every such commissioner, collector, other officer or person, is hereby empowered and required to administer the same accordingly.

## Textual Amendments

**F2** Words repealed by [Post Office Act 1969 \(c. 48\)](#), [Sch. 8 Pt. I](#)

*Changes to legislation: There are currently no known outstanding effects for the Statutory Declarations Act 1835. (See end of Document for details)*

- F3** Words repealed by [Crown Estate Act 1961 \(c. 55\)](#), **Sch. 3 Pt. II**
- F4** Words in [s. 2](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **s. 1(1)**, {Sch. 1 Pt. 5 Group 1}

**3 Declaration substituted to be published in the gazette, and after 21 days from the date thereof the provisions of this Act to apply;**

When the lords commissioners of his Majesty’s Treasury shall, in any such case as herein-before mentioned, have substituted in writing under their hands and seals a declaration in lieu of an oath, solemn affirmation, or affidavit, such lords commissioners shall, so soon as conveniently may be, cause a copy of the instrument substituting such declaration to be inserted and published in the London Gazette; and from and after the expiration of twenty-one days next following the day of the date of the gazette, wherein the copy of such instrument shall have been published, the provisions of this Act shall extend and apply to each and every case specified in such instrument, as well and in the same manner as if the same were specified and named in this Act.

**4 and no oath to be administered in lieu of which such declaration has been directed.**

After the expiration of the said twenty-one days it shall not be lawful for any commissioner, collector, officer, or other person to administer or cause to be administered, or receive or cause to be received, any oath, solemn affirmation, or affidavit, in the lieu of which such declaration as aforesaid shall have been directed by the Treasury to be substituted.

**5** ..... **F5**

**Textual Amendments**

**F5** [S. 5, 21](#) repealed by [Perjury Act 1911 \(c. 6\)](#), **Sch.**, [False Oaths \(Scotland\) Act 1933 \(c. 20\)](#), **Sch.** and [Perjury Act \(Northern Ireland\) 1946 \(c. 13\)](#), **Sch.**

**6** ..... **F6**

**Textual Amendments**

**F6** [S. 6](#) repealed by [Statute Law \(Repeals\) Act 1971 \(c. 52\)](#), **Sch. Pt. IX**

**7 Oaths in courts of justice, &c. still to be taken.**

Provided also, that nothing in this Act contained shall extend or apply to any oath, solemn affirmation, or affidavit, which now is or hereafter may be made or taken, or be required to be made or taken, in any judicial proceeding in any court of justice, or in any proceeding for or by way of summary conviction before any justice or justices of the peace; but all such oaths, affirmations, and affidavits shall continue to be required,

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and to be administered, taken, and made, as well and in the same manner as if this Act had not been passed.

**8 Universities of Oxford and Cambridge, and other bodies, may substitute a declaration in lieu of an oath.**

It shall be lawful for the universities of Oxford and Cambridge, and for all other bodies corporate and politic, and for all bodies now by law or statute or by any valid usage authorized to administer or receive any oath, solemn affirmation, or affidavit, to make statutes, byelaws, or orders authorizing and directing the substitution of a declaration in lieu of any oath, solemn affirmation, or affidavit now required to be taken or made: Provided always, that such statutes, byelaws, or orders be otherwise duly made and passed according to the charter, laws, or regulations of the particular university, other body corporate and politic, or other body so authorized as aforesaid.

9—10. .... <sup>F7</sup>

**Textual Amendments**

**F7** Ss. 9, 10 repealed by [Statute Law \(Repeals\) Act 1971 \(c. 52\), Sch. Pts. II, IX](#)

11 ..... <sup>F8</sup>

**Textual Amendments**

**F8** S. 11 repealed by [Patents, Designs, and Trade Mark's Act 1883 \(c. 57\), Sch. 3](#)

12 ..... <sup>F9</sup>

**Textual Amendments**

**F9** S. 12 repealed by [Consumer Credit Act 1974 \(c. 39\), s. 192\(3\)\(b\), Sch. 5](#) and repealed (N.I.) by [Perjury Act \(Northern Ireland\) 1946 \(c. 13\), Sch.](#) and [Pawnbrokers Act \(Northern Ireland\) 1954 \(c. 30\), Sch. 5](#)

**13 Justices not to administer oaths, &c. touching matters whereof they have no jurisdiction by statute. Proviso.**

..... <sup>F10</sup> It shall not be lawful for any justice of the peace or other person to administer or cause or allow to be administered, or to receive or cause or allow to be received, any oath, affidavit, or solemn affirmation touching any matter or thing whereof such justice or other person hath not jurisdiction or cognizance by some statute in force at the time being: Provided always, that nothing herein contained shall be construed to extend to any oath, affidavit, or solemn affirmation before any justice in any matter or thing touching the preservation of the peace, or the prosecution, trial, or punishment of offences, or touching any proceedings before

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either of the Houses of Parliament or any committee thereof respectively, nor to any oath, affidavit, or affirmation which may be required by the laws of any foreign country to give validity to instruments in writing designed to be used in such foreign countries respectively.

#### Textual Amendments

**F10** Recital omitted under authority of [Statute Law Revision Act 1890 \(c. 33\)](#), [Sch. 1](#)

#### Modifications etc. (not altering text)

**C1** [S. 13](#) amended (E.W.) as to mode of trial by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 17, [Sch. 1 para. 3](#)  
[S. 13](#) extended (1.4.2005.) by [2002 c. 26, ss. 10, 87, Sch. 4 para. 7](#); [S.R. 2005/109](#), [art. 2](#), [Sch.](#)

### 14 Declaration substituted for oaths and affidavits required by Bank of England on the transfer of stock.

In any case in which it has been the usual practice of the Bank of England to receive affidavits on oath to prove the death of any proprietor of any stocks or funds transferable there, or to identify the person of any such proprietor, or to remove any other impediment to the transfer of any such stocks or funds, or relating to the loss, mutilation, or defacement of any bank note . . . <sup>F11</sup>, no such oath or affidavit shall in future be required to be taken or made, but in lieu thereof the person who might have been required to take or make such oath or affidavit shall make and subscribe a declaration to the same effect as such oath or affidavit.

#### Textual Amendments

**F11** Words repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), [Sch. 1 Pt. IV](#)

### 15 Declaration substituted for oaths and affidavits required by 5 Geo. 2 c. 7. and 54 Geo. 3. c. 15.

. . . <sup>F12</sup> In any action or suit brought or intended to be brought in any court of law or equity within any of the territories, plantations, colonies, or dependencies abroad, being within and part of his Majesty's dominions, for or relating to any debt, or account, wherein any person residing in Great Britain and Ireland shall be a party, or for or relating to any lands, tenements, or hereditaments or other property situate, lying, and being in the said places respectively, it shall and may be lawful to and for the plaintiff or defendant, and also to and for any witness to be examined or made use of in such action or suit, to verify or prove any matter or thing relating thereto by solemn declaration or declarations in writing in the form in the schedule hereunto annexed, made before any justice of the peace, notary public, or other officer now by law authorized to administer an oath, and certified and transmitted under the signature and seal of any such justice, notary public duly admitted and practising, or other officer; which declaration, and every declaration relative to such matter or thing as aforesaid, in any foreign kingdom or state, or to the voyage of any ship or vessel, every such justice of the peace, notary public, or other officer shall be and he is hereby authorized and empowered to administer or receive; and every declaration so made, certified, and transmitted, shall in all such actions and suits be allowed to be of the same force and effect, as if the person or persons making the same had appeared and sworn or

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affirmed the matters contained in such declaration viva voce in open court, or upon a commission issued for the examination of witnesses or of any party in such action or suit respectively; provided that in every such declaration there shall be expressed the addition of the party making such declaration and the particular place of his or her abode.

#### Textual Amendments

**F12** Recital omitted under authority of [Statute Law Revision Act 1890 \(c. 33\)](#), [Sch. 1](#)

#### Modifications etc. (not altering text)

**C2** References to Ireland to be construed as exclusive of Republic of Ireland: S.R. & O. 1923/405 (Rev. X, p. 298: 1923, p. 400), art. 2  
[S. 15](#) extended (1.4.2005) by [2002 c. 26, ss. 10, 87, Sch. 4 para. 7](#); [S.R. 2005/109, art. 2, Sch.](#)

### 16 Declaration in writing sufficient to prove execution of any will, codicil, &c.

It shall and may be lawful to and for any attesting witness to the execution of any will or codicil, deed or instrument in writing, and to and for any other competent person, to verify and prove the signing, sealing, publication, or delivery of any such will, codicil, deed, or instrument in writing, by such declaration in writing made as aforesaid; and every such justice, notary, or other officer shall be and is hereby authorized and empowered to administer or receive such declaration.

#### Modifications etc. (not altering text)

**C3** [S. 16](#) extended (N.I.) (1.4.2005) by [2002 c. 26, ss. 10, 87, Sch. 4 para. 7](#); [S.R. 2005/109, art. 2, Sch.](#)

### 17 Suits on behalf of his Majesty to be proved by declaration.

In all suits now depending or hereafter to be brought in any court of law or equity by or in behalf of his Majesty, in any of his said Majesty's territories, plantations, colonies, possessions, or dependencies, for or relating to any debt or account, his Majesty shall and may prove his debts and accounts and examine his witness or witnesses by declaration, in like manner as any subject or subjects is or are empowered or may do by this present Act.

### 18 Voluntary declaration in the form in the schedule may be taken.

. . . <sup>F13</sup> It shall and may be lawful for any justice of the peace, notary public, or other officer now by law authorized to administer an oath, to take and receive the declaration of any person voluntarily making the same before him in the form in the schedule to this Act annexed; . . . <sup>F14</sup>

#### Textual Amendments

**F13** Recital omitted under authority of [Statute Law Revision \(No. 2\) Act 1890 \(c. 51\)](#), [Sch. Pt. II](#)

**F14** Words repealed by [Perjury Act 1911 \(c. 6\)](#), [Sch.](#), [False Oaths \(Scotland\) Act 1933 \(c. 20\)](#), [Sch.](#) and [Perjury Act \(Northern Ireland\) 1946 \(c. 13\)](#), [Sch.](#)

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**Modifications etc. (not altering text)**

**C4** S. 18 extended (1.4.2005) by 2002 c. 26, ss. 10, 87, Sch. 4 para. 7; S.R. 2005/109, **art. 2**, Sch.

**19 Fees on oaths payable on declarations substituted in lieu thereof.**

Whenever any declaration shall be made and subscribed by any person or persons under or in pursuance of the provisions of this Act or any of them, all and every such fees or fee as would have been due and payable on the taking or making any legal oath, solemn affirmation, or affidavit shall be in like manner due and payable upon making and subscribing such declaration.

**20 Declarations to be in the form prescribed by schedule.**

In all cases where a declaration in lieu of an oath shall have been substituted by this Act, or by virtue of any power or authority hereby given, or where a declaration is directed or authorized to be made and subscribed under the authority of this Act, or of any power hereby given, although the same be not substituted in lieu of an oath heretofore legally taken, such declaration, unless otherwise directed under the powers hereby given, shall be in the form prescribed in the schedule hereunto annexed.

**21** ..... <sup>F15</sup>

**Textual Amendments**

**F15** S. 5, 21 repealed by Perjury Act 1911 (c. 6), **Sch.**, False Oaths (Scotland) Act 1933 (c. 20), **Sch.** and Perjury Act (Northern Ireland) 1946 (c. 13), **Sch.**

**22**— ..... <sup>F16</sup>

**23.**

**Textual Amendments**

**F16** Ss. 1, 22 and 23 repealed by Statute Law Revision Act 1874 (c. 35)

**Changes to legislation:**

There are currently no known outstanding effects for the Statutory Declarations Act 1835.