



Jersey

# **AFFIDAVITS (ADVOCATES AND SOLICITORS) (JERSEY) LAW 1992**

## **Official Consolidated Version**

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Jersey

## **AFFIDAVITS (ADVOCATES AND SOLICITORS) (JERSEY) LAW 1992**

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## **AFFIDAVITS (ADVOCATES AND SOLICITORS) (JERSEY) LAW 1992**

A **LAW** to extend to advocates and solicitors of the Royal Court the power to take affidavits

Commencement [[see endnotes](#)]

### **1 Power to take affidavits**

- (1) An advocate or solicitor of the Royal Court may take an affidavit for the purposes of a proceeding in a court or before a statutory body in Jersey.
- (2) An affidavit taken under this Article by an advocate or solicitor shall be signed by the person making the affidavit (hereinafter referred to as the “deponent”) in the presence of the advocate or solicitor taking it who, before the advocate or solicitor signs the jurat, shall –
  - (a) satisfy himself or herself of the genuineness of the signature of the deponent; and
  - (b) administer the oath or affirmation in the manner required by law.
- (2A) If the deponent is unable to sign the affidavit by reason of being physically incapacitated, the solicitor or advocate taking the affidavit shall endorse upon the affidavit that it has not been signed by the deponent by reason of the deponent’s physical incapacity.<sup>1</sup>
- (3) An advocate or solicitor taking an affidavit under this Article shall –
  - (a) state in the jurat at what place and on what date the affidavit is taken; and
  - (b) add after the advocate’s or solicitor’s signature the word “advocate” or “solicitor” as the case may be.
- (4) An advocate or solicitor who is personally responsible for the conduct of any proceeding shall not take an affidavit in connection with that proceeding.
- (5) An affidavit containing a jurat purporting to be signed by an advocate or solicitor shall be admitted in evidence without proof –
  - (a) of the signature; or

- (b) that the person is an advocate or solicitor, as the case may be.

## **2 Offences**

- (1) A person who, in a proceeding in a court or before a statutory body, files or otherwise uses an affidavit purportedly made under this Law knowing that it was not taken in conformity with this Law is guilty of an offence and shall be liable to imprisonment for a term not exceeding 2 years or a fine, or both.
- (2) Where an offence under this Law is alleged to have been committed with respect to an affidavit, a judge of any court or the presiding officer of any statutory body in or before which the affidavit is produced may order it to be impounded and kept in such custody and for such time and on such conditions as the judge or presiding officer thinks fit.
- (3) An advocate or solicitor who signs a jurat to an affidavit purportedly made under this Law without the due administration to the deponent of an oath or affirmation is guilty of an offence and shall be liable to a fine.
- (4) A person who knowingly and wilfully aids, abets, counsels, causes, procures or commands the commission of an offence under this Law shall be liable to be dealt with, tried and punished as a principal offender.

## **3 Citation**

This Law may be cited as the Affidavits (Advocates and Solicitors) (Jersey) Law 1992.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement	Project No (where applicable)
Affidavits (Advocates and Solicitors) (Jersey) Law 1992	<a href="#">L.8/1992</a>	14 August 1992	
Signing of Instruments (Miscellaneous Provisions) (Jersey) Law 2018	<a href="#">L.21/2018</a>	8 June 2018	<a href="#">P.10/2018</a>

Project available at [www.statesassembly.gov.je](http://www.statesassembly.gov.je)

### Table of Endnote References

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<sup>1</sup> Article 1(2A) *inserted by L.21/2018*