

This is a translation of the

LOI (1842) SUBSTITUANT LES DECLARATIONS AUX SERMENTS

(Chapter 04.890)

as in force on 1 January 2019

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Law (1842) substituting declarations for oaths

A LAW¹ substituting declarations for oaths etc. in certain cases

AN ACT OF PARLIAMENT of the 5th and 6th years of the Reign of His Majesty William IV, Chapter LXII,² intituled "An Act to repeal an Act of the present session of Parliament intituled 'An Act for the more effectual abolition of oaths and affirmations taken and made in various Departments of State, and to substitute Declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial oaths and affidavits, and to make other provisions for the abolition of unnecessary oaths'", transmitted to the Bailiff, accompanied by an Order of His Most Excellent Majesty in Council, bearing the date 15 February 1838, which orders the registration and publication of the said Act in this Island, having been taken into consideration by the States;

Considering that, under the provisions of the said Act of Parliament, the Lords of the Treasury of His Majesty or three of them are authorised to prescribe the substitution of a declaration for an oath, solemn affirmation, or affidavit, which, but for the passing of the said Act, would have been or would be required by any Act of Parliament relating to Revenues and Departments known as "Revenues of Customs or Excise", "The Post Office", "The Office of Stamps and Taxes", "The Office of Woods and Forests", "Land Revenues", "Works and Buildings", "The War Office", "The Army Pay Office" "The Office of the Treasurer of the Navy", "The Accountant General of the Navy or the Ordnance",

¹ *Règlement*

² i.e. the Statutory Declarations Act 1835

"His Majesty's Treasury", "Chelsea 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 publick accounts", "The National Debt Office", or to any other Office under the control and supervision of the Lords Commissioners of His Majesty's Treasury, or which may be required by any official regulation in any Department whatsoever; which declaration must be to the same effect as the oath, solemn affirmation, or affidavit so required ;

That, by notice inserted in the London Gazette of 22 December 1835, dated the 7th of the same month, and bearing the signatures and the seals of William, Viscount Melbourne, the Most Honourable Spring Rice, and Robert Stewart, esquire, three of the said Lords Commissioners, it pleased their Lordships to order that the declaration contained in the said Act be substituted for the oath, solemn affirmation, or affidavit (oaths of office excepted) heretofore required by virtue of any Act of Parliament relating to the Offices and Departments known as "The Office of Woods and Forests", "Land Revenues", "Works and Buildings", "The War Office" "The Army Pay Office", "The Office of Treasurer of the Navy", "The Accountant General of the Navy or the Ordnance", "His Majesty's Treasury", "Greenwich Hospital", "The Board of Trade", or to any Office of His Majesty's principal Secretaries of State, or the National Debt Office, or by any official regulation in one of these Departments;

That this Island is not mentioned at all in the said Act; that it contains several sections which are of no application in this jurisdiction, and which could not be put into effect here ; and that the registration of the same could not be ordered;

That, however, the Administrators of the Departments listed in the said notice now only require of individuals residing in Jersey a declaration in lieu of the oath, solemn affirmation, or affidavit, required previously to the said notice, and that no Law exists by virtue of which a person who in this Island makes or subscribes to such a declaration, which he or she knows to be false, can be punished for doing so;

The States, desiring to support the views of the Government, to prevent fraud, and to abolish voluntary and extra-judicial oaths, have resolved, subject to the sanction of His Most Excellent Majesty in Council, to adopt the following Law³ –

1

It is forbidden for any public official or other person to administer or cause to be administered, or receive or cause to be received, any oath, solemn affirmation, or affidavit in lieu of the Declaration contained in Form A [to this Law], which must be substituted therefor, in conformity with the notice inserted in the London Gazette of 22 December 1835, or in lieu of the Declaration which must be substituted for an oath, solemn affirmation, or affidavit, by virtue of any other notice of the Lords Commissioners of His Majesty's Treasury, or of three of them, made and published in conformity with the said Act, provided that such other notice has been transmitted to the States, and that its publication has been ordered; provided also that twenty-one days have elapsed since the insertion of such notice in the London Gazette.

³ *Règlement*

2

A Declaration in accordance with Form B [to this Law] shall be substituted for affidavits under oath, heretofore required by the Bank of England to prove the death of any proprietor of funds, stocks, or rentes, to identify the person of a proprietor, or to remove any other impediment to the sale, cession or transfer of such funds, stocks, or rentes, or relating to the loss, mutilation or defacement of a Bank note, or a Bank Post Bill; and whomsoever might have been required to make such affidavit shall be required to make and sign a Declaration to the same effect.

3

Any witness attesting the execution of a will, codicil, or instrument in writing, and any other competent person may lawfully verify and prove the signing, sealing, publication, or delivery of such will, codicil, or instrument in writing, by a Declaration made and signed in accordance with Form B [to this Law].

4

It is forbidden for the Bailiff, Lieutenant-Bailiff, Jurats, and other public officials having power to administer an oath, to administer oaths or to receive solemn affirmations or voluntary or extra-judicial affidavits, except oaths, solemn affirmations, or affidavits which they are authorised to administer or receive by any Law or Regulations for the time being in force, or which are necessary in any case on appeal or other matter pending before His Majesty in Council, or which are required under the Laws of a foreign country in order to validate or authenticate an Act or document intended to be used in such foreign country, or which are necessary for the importation of Jersey products and foodstuffs into the United Kingdom.

5

In cases not within the provisions of this Law where it is necessary to confirm or ratify some Act or instrument in writing, or to prove a debt or the execution of a certain Acte, it shall be lawful for any Judge, or other public official duly authorised to administer oaths, to take and receive a Declaration to that effect, made voluntarily before him in accordance with Form B [to this Law].

6

Declarations substituted for oaths, solemn affirmations, or affidavits, shall be made and signed before Judges and other public officials who had the right respectively to receive such oaths, solemn affirmations, or affidavits; they shall receive the same fees for such Declarations.

7

Any Declaration made by virtue of this Law shall be drafted in conformity with the Form mentioned in each Article respectively, or in conformity with that required by a notice of the Lords Commissioners of the Treasury published as provided by Article 1, on pain of nullity.

8

Whoever makes and subscribes a Declaration under this Law or under the authority of this Law and whoever attests a material fact which he or she knows to be false shall be guilty of an offence,⁴ and shall be liable to a fine not exceeding fifty pounds, and to imprisonment not exceeding one year: the said fine to be applied: two thirds to the benefit of His Majesty, and the other third to the informant.

9

It is hereby confirmed that nothing in this Law shall affect the Oath of Allegiance, or any other oath, solemn affirmation, or affidavit required or which may be required in any judicial proceedings before a Court of Law.

FORM A

I (or we, if more than one) do
solemnly and sincerely declare that (here
*insert the particulars inserted or required to be inserted in any oath, solemn
affirmation, or affidavit heretofore required by any Act of Parliament relating to the
several offices or departments above mentioned, or any of them, or by any official
regulation in any department*) and I (or we) make this solemn Declaration,
conscientiously believing the same to be true.

⁴ *délit*

FORM B

DECLARATION TO TAKE EFFECT IN THE UNITED KINGDOM: -

I, A.B., do solemnly and sincerely declare that _____,
and I make this solemn Declaration, conscientiously believing the same to be true,
and by virtue of the provisions of an Act made and passed in the 5th and 6th years of
the Reign of His late Majesty William IV, intituled (*here insert the title of this Act*).

DECLARATION NOT TO TAKE EFFECT IN THE UNITED KINGDOM: -

I, A.B., do solemnly and sincerely declare that _____,
and I make this solemn Declaration, conscientiously believing the same to be true,
and by virtue of the provisions of an Act of the States of Jersey, dated the _____

OR,

Je, A.B., déclare solennellement et sincèrement que _____, et je fais cette
Déclaration solennelle, croyant en ma conscience qu'elle est vraie, et ce, en vertu
d'un Acte des Etats de l'Île de Jersey en date du _____