



Statutory Declarations Act 1835

1835 CHAPTER 62

An Act to repeal an Act of the present Session of Parliaments intituled *An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the 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. [9th September 1835]

WHEREAS an Act was passed in the present Session of Parliament, intituled *An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof; and for the more entire Suppression of voluntary and extrajudicial Oaths and Affidavits*; and it was thereby enacted that the said Act should commence and take effect from and after the First Day of *June* in this present Year, the Year of our Lord One thousand eight hundred and thirty-five, it not being intended that the said recited Act should take effect before the same received the Royal Assent: And whereas the said recited Act did not receive the Royal Assent till after the said First Day of *June* One thousand eight hundred and thirty-five: And whereas it was enacted by the said recited Act, that from and after the First Day of *June* next ensuing it should not be lawful for any Justice of the Peace to administer or receive such voluntary Oaths as are therein mentioned, it being intended that the said Prohibition should take effect from the Time of the Commencement of the said recited Act: And whereas it is expedient to amend the said Act, and to make some further Provisions for the better effecting the Object thereof, and to consolidate all the Provisions relating thereto into One Act:

Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Recited Act repealed.

That from and after the passing of this Act the said recited Act shall be and the same is hereby repealed.

II Lords of the Treasury empowered to substitute a Declaration in lieu of an Oath, &c. in certain Cases.

And be it further enacted, That in any Case where, by any Act or Acts made or to be made relating to the 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, 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 Lords Commissioners of His Majesty's 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 Lords Commissioners of His Majesty's Treasury or any Three of them, 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.

III Declaration substituted to be published in the Gazette, and after 21 Days from the Date thereof the Provisions of this Act to apply ;

And be it enacted, That when the said Lords Commissioners of His Majesty's Treasury or any Three of them 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.

IV and no Oath to be administered in lieu of which such Declaration has been directed.

And be it enacted, That, 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 Lords Commissioners of His Majesty's Treasury to be substituted.

V False Declarations in Matters relating to certain Revenues a Misdemeanor.

And be it enacted, That if any Person shall make and subscribe any such Declaration as herein-before mentioned in lieu of any Oath, solemn Affirmation, or Affidavit by any Act or Acts relating to the Revenues of Customs or Excise, Stamps and Taxes, or Post Office, required to be made on the doing of any Act, Matter, or Thing, or for verifying any Book, Account, Entry, or Return, or for any Purpose whatsoever, and shall wilfully make therein any false Statements as to any material Particular, the Person making the same shall be deemed guilty of a Misdemeanor.

VI Oath of Allegiance still to be required in all Cases.

Provided always, and be it enacted, That nothing in this Act contained shall extend or apply to the Oath of Allegiance in any Case in which the same now is or may be required to be taken by any Person who may be appointed to any Office, but that such Oath of Allegiance shall "continue to be required, and shall be administered and taken, as well and in the same Manner as if this Act had not been passed.

VII Oaths in Courts of Justice, &c, still to be taken.

Provided also, and be it enacted, 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, and to be administered, taken, and made, as well and in the same Manner as if this Act had not been passed.

VIII Universities of Oxford and Cambridge, and other Bodies, may substitute a Declaration in lieu of an Oath.

And be it enacted, That 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, Bye Laws, 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, Bye Laws, 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.

IX Church wardens End Sidesman's Oath abolished, and a Declaration to be made in lieu thereof.

And whereas Persons serving the Offices of Churchwarden and Sidesman are at present required to take an Oath of Office before entering upon the Execution thereof, and also an Oath on quitting such Office, and it is expedient that a Declaration shall be substituted for such Oath of Office, and that the Oath on quitting the same shall be abolished; be it enacted, That in future every Person entering upon the Office of Churchwarden or Sidesman, before beginning to discharge the Duties thereof, shall, in lieu of such Oath of Office, make and subscribe, in the Presence of the Ordinary or other Person before whom he would, but for the passing of this Act, be required to

take such Oath, a Declaration that he will faithfully and diligently perform the Duties of his Office, and such Ordinary or other Person is hereby empowered and required to administer the same accordingly: Provided always, that no Churchwarden or Sidesman shall in future be required to take any Oath on quitting Office, as has heretofore been practised.

X Declaration substituted for Oaths and Affidavits by Persons acting in Turnpike Trusts.

And be it enacted, That in any Case where, under any Act or Acts for making, maintaining, or regulating any Highway, or any Road, or any Turnpike Road, or for paving, lighting, watching, or improving any City, Town, or Place, or touching any Trust relating thereto, any Oath, solemn Affirmation, or Affidavit might, but for the passing of this Act, be required to be taken or made by any Person whomsoever, no such Oath, solemn Affirmation, or Affidavit shall in future be required to be or be taken or made, but 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 lieu thereof, in the Presence of the Trustee, Commissioner, or other Person before whom he might under such Act or Acts be required to take or make the same, make and subscribe a Declaration to the same Effect as such Oath, solemn Affirmation, or Affidavit, and such Trustee, Commissioner, or other Person is hereby empowered and required to administer and receive the same. .

XI Declaration substituted for Oaths and Affidavits heretofore required on taking out a Patent.

And be it enacted, That whenever any Person or Persons shall seek to obtain any Patent under the Great Seal for any Discovery or Invention, such Person or Persons shall, in lieu of any Oath, Affirmation, or Affidavit which heretofore has or might be required to be taken or made upon or before obtaining any such Patent, make and subscribe, in the Presence of the Person before whom he might, but for the passing of this Act, be required to take or make such Oath, Affirmation, or Affidavit, a Declaration to the same Effect as such Oath, Affirmation, or Affidavit; and such Declaration, when duly made and subscribed, shall be to all Intents and Purposes as valid and effectual as the Oath, Affirmation, or Affidavit in lieu whereof it shall have been so made and subscribed.

XII Declaration substituted for Oaths and Affidavits required by Acts as to Pawnbrokers. Penalties as to such Oaths, &c. to apply to Declarations.

And be it enacted, That where by any Act or Acts at the Time in force for regulating the Business of Pawnbrokers any Oath, Affirmation, or Affidavit might, but for the passing of this Act, be required to be taken or made, the Person who by or under such Act or Acts might be required to take or make such Oath, Affirmation, or Affidavit shall in lieu thereof make and subscribe a Declaration to the same Effect ; and such Declaration shall he made and subscribed at the same Time, and on the same Occasion, and in the Presence of the same Person or Persons, as the Oath, Affirmation, or Affidavit in lieu whereof it shall be made and subscribed would by the Act or Acts directing or requiring the same be directed or required to be taken or made; and all and every the Enactments, Provisions, and Penalties contained in or imposed by any such Act or Acts, as to any Oath, Affirmation, or Affidavit thereby directed or required to be

taken or made, shall extend and apply to any Declaration in lieu thereof, as well and in the same Manner as if the same were herein expressly enacted with reference thereto.

XIII Justices not to administer Oaths, &c. touching Matters whereof they have no Jurisdiction by Statute. Proviso.

And whereas a Practice has prevailed of administering and receiving Oaths and Affidavits voluntarily taken and made in Matters not the Subject of any Judicial Inquiry, nor in anywise pending or at issue before the Justice of the Peace or other Person by whom such Oaths or Affidavits have been administered or received: And whereas Doubts have arisen whether or not such Proceeding is illegal; for the more effectual Suppression of such Practice and removing such Doubts, be it enacted, That from and after the Commencement of this Act 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 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.

XIV Declaration substituted for Oaths and Affidavits required by Bank of England on the Transfer of Stock.

And be it further enacted, That 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 transferrable 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 or Bank Post Bill, 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.

XV Declaration substituted for Oaths and Affidavits required by 5 G.2 c.7 and 54 G.3 c.15.

And whereas an Act was passed in the Fifth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for the more easy Recovery of Debts in His Majesty's Plantations and Colonies in America*: And whereas another Act was passed in the Fifty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the more easy Recovery of Debts in His Majesty's Colony of New South Wales*: And whereas it is expedient that in future a Declaration should be substituted in lieu of the Affidavit on Oath authorized and required by the said recited Acts ; be it therefore enacted, That from and after the Commencement of this Act, in any Action or Suit then depending or thereafter to be 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

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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 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.

XVI Declaration in Writing sufficient to prove Execution of any Will, Codicil, &c.

And be it further enacted, That 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.

XVII Suits on behalf of His Majesty to be proved by Declaration.

And be it further enacted, That in all Suite now depending or hereafter to be brought in any Court of Law or Equity by or in behalf of His Majesty, His Heirs and Successors, in any of His said Majesty's Territories, Plantations, Colonies, Possessions, or Dependencies, for or relating to any Debt or Account, that His Majesty, His Heirs and Successors, shall and may prove His and their Debts and Accounts and examine His or their Witness or Witnesses by Declaration, in like Manner as any Subject or Subjects is or are empowered or may do by this present Act.

XVIII Voluntary Declaration in the Form in the Schedule may be taken. Making false Declaration a Misdemeanor.

And whereas It may be necessary and proper in many Cases not herein specified to require Confirmation of written Instruments or Allegations, or Proof of Debts, or of the Execution of Deeds or other Matters; be it therefore further enacted, That 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; and if any Declaration so made shall be false or untrue in any material

Particular the Person wilfully making such false Declaration shall be deemed guilty of a Misdemeanor.

XIX Fees on Oaths payable on Declarations substituted in lieu thereof.

And be it enacted. That 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 clue and payable upon making and subscribing such Declaration.

XX Declarations to be in the Form prescribed by Schedule.

And be it further enacted, That 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.

XXI Persons making false Declaration deemed guilty of a Misdemeanor.

And be it further enacted, That in any Case where a Declaration is substituted for an Oath under the Authority of this Act, or by virtue of any Power or Authority hereby given, or is directed and authorized to be made and subscribed under the Authority of this Act, or by virtue of any Power hereby given, any Person who shall wilfully and corruptly make and subscribe any such Declaration, knowing the same to "be untrue in any material Particular, shall be deemed guilty of a Misdemeanor.

XXII Act to take effect after 1st October 1835.

And be it enacted, That this Act shall commence and take effect from and after the First Day of *October* in this present Year, the Year of our Lord One thousand eight hundred and thirty-five.

XXIII Act may be amended this Session.

And be it further enacted, That this Act may be amended, altered, or repealed by any Act to be passed in this present Session of Parliament.

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

SCHEDULE REFERRED TO
BY THE FOREGOING ACT

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 Year of the Reign of His present Majesty,
intituled *An Act* [*here insert the Title of this Act*].