

No. 5 OF 1938.

A LAW TO AMEND AND CONSOLIDATE THE LAW RELATING TO THE TAKING OF CERTAIN OATHS AND AFFIDAVITS AND TO PROVIDE FOR THE TAKING OF AFFIRMATIONS AND DECLARATIONS.

H. R. PALMER,]
Governor.

[4th March, 1938.

BE it enacted by His Excellency the Governor and Commander-in-Chief of the Colony of Cyprus as follows :—

Short title.

1. This Law may be cited as the Oaths Law, 1938.

Interpre-
tation.

2. In this Law—

“ declaration ” means a declaration voluntarily made and subscribed, other than an oath, affidavit or affirmation ;

“ Registrar ” means the Chief Registrar, or any Assistant Registrar attached to the Supreme Court, or the Registrar or the Assistant Registrar of any District Court.

Adminis-
tration of
oaths in
certain
cases.

3. Whenever for any purpose provision for which is not made by this Law or any other Law or enactment—

(a) any oath, affirmation, affidavit or declaration is required for the purpose of any Court or matter in the Colony ;

(b) any oath, affirmation, affidavit or declaration is required for the purpose of any Court or for the registration of any instrument outside the Colony ;

(c) it is necessary to administer any such oath to or take any such affirmation, affidavit or declaration from any person ; or

(d) any person desires to make any statement either upon oath or otherwise ; or

(e) any person desires to execute any instrument for the execution of which an oath, affirmation, affidavit or declaration may be required,

such oath, affirmation, affidavit or declaration may be taken or made and any such instrument may be executed before—

(i) a Judge of any Court in the Colony ; or

(ii) a Magistrate ; or

(iii) a Registrar.

4. Whenever any oath, affirmation, affidavit or declaration is required to be taken or made under the British Nationality and Status of Aliens Act, 1914, or any Act amending or substituted for the same or any regulations made thereunder, such oath, affirmation, affidavit or declaration shall be taken or made before the Commissioner of the District in which the deponent resides.

Adminis-
tration of
oaths
required
under the
British
Nationality
and Status
of Aliens
Acts.

5.—(1) Whenever under the provisions of the Cyprus Courts of Justice Orders and Laws, 1927 to (No. 2) 1935, or any Rules of Court made thereunder, any action or matter has been referred to arbitration, the arbitrators or umpire acting under such reference shall, unless the reference expresses a contrary intention, have power to administer oaths to, or take the affirmations or declarations of, all persons appearing to give evidence before such arbitrators or umpire, as the case may be.

Adminis-
tration of
oaths in
actions or
matters
referred to
arbitration.
45 of 1934
14 of 1935
36 of 1935

(2) Notwithstanding anything in section 9 contained, no fee shall be paid in respect of any oath, affirmation or declaration administered or taken under the provisions of sub-section (1).

6. Whenever under the provisions of any other Law or enactment service of a criminal summons may be proved before any Court in the Colony by affidavit sworn by the person who shall have effected the service, such affidavit may be taken, made and sworn before any Mukhtar who has been specially authorized by the Governor to administer oaths in that behalf.

Adminis-
tration of
oaths in
respect of
affidavits
for service of
criminal
summons.

7.—(1) Any person called upon to give evidence in any action or application pending before a Mussulman religious tribunal shall, before being examined, be required to take such oath as is customarily administered to persons of his creed or faith on testifying upon oath before a Court of Justice. Such oath shall be administered by the Sheri Judge of the Mussulman religious tribunal before which such action or application is pending and, notwithstanding anything in section 9 contained, no fee shall be paid in respect of any such oath.

Adminis-
tration of
oaths in
proceedings
before
Mussulman
religious
tribunals
and in
matters
within their
jurisdiction.

If any witness shall object to take an oath or shall be objected to as incompetent to take an oath or if the Sheri Judge of such Mussulman religious tribunal shall be of opinion that the taking of an oath will have no binding effect on his conscience, he shall be required to make an oral affirmation in the words set out in the form in the First Schedule.

(2) Save as in sub-section (1) provided, whenever for any matter within the jurisdiction of a Mussulman religious tribunal provision for which is not made by any other Law or enactment any oath, affirmation, affidavit or declaration is required, such oath, affirmation, affidavit or declaration may be taken or made before the Sheri Judge of the Mussulman religious tribunal having jurisdiction in the matter in respect of which such oath, affirmation, affidavit or declaration is required.

Power to
Governor to
make
regulations.

8. The Governor may make regulations to be observed as nearly as circumstances permit in relation to any oath or affirmation to be taken, or any affidavit or declaration to be made, or instrument to be executed under the provisions of sections 3, 4, 5, 6 and 7 (2), and every such regulation shall be published in the *Gazette* :

Provided that until varied or revoked by any such regulation, the regulations contained in the Second Schedule shall be in force.

Fees.

9. There shall be paid in respect of any oath or affirmation taken, or any affidavit or declaration made, or instrument executed, under the provisions of this Law, at the time when such oath or affirmation is taken, or such affidavit or declaration is made or such instrument is executed, a fee of like amount to the fee payable under the provisions of the Stamp Laws, 1923 to 1937, for an affidavit or solemn declaration in writing not otherwise by Law or Rules of Court provided for.

31 of 1923
27 of 1926
19 of 1927
6 of 1931
1 of 1937

Repeals.

10. The enactments enumerated in the Third Schedule are hereby repealed to the extent specified in the second column of that Schedule.

FIRST SCHEDULE.

(Section 7.)

ORAL AFFIRMATION.

I, solemnly promise and declare that the evidence I shall give to the Mussulman religious tribunal shall be the truth, the whole truth, and nothing but the truth.