

Commissioners for Oaths Rules

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THE SCHEDULE

Legislative History

SUPREME COURT OF JUDICATURE ACT
(CHAPTER 322, SECTION 68(3))

COMMISSIONERS FOR OATHS RULES

R 3

G.N. No. S 566/1995

REVISED EDITION 1997

(26th September 1997)

[1st January 1996]

Citation

1. These Rules may be cited as the Commissioners for Oaths Rules.

Definitions

2. In these Rules —

“Academy” means the Singapore Academy of Law constituted under the Singapore Academy of Law Act (Cap. 294A);

“affidavit” includes affirmation, statutory or other declaration;

“court officer” means —

- (a) an officer (other than an interpreter) attached to the State Courts under section 14 of the State Courts Act (Cap. 321); or
- (b) an officer (other than an interpreter) attached to the Supreme Court under section 67(1) of the Act;

[S 81/2021 wef 05/02/2021]

[Deleted by S 16/2022 wef 14/01/2022]

“oath” includes affirmation and declaration;

“Secretary” means the Secretary to the Senate;

“Senate” means the Senate of the Academy;

“swear” includes affirm and declare;

Persons eligible

- 3.—(1) An advocate and solicitor who has for an aggregate period of not less than 7

years been in active practice or been a Judicial Service Officer or a Legal Service Officer shall be eligible for appointment as a commissioner for oaths.

*[S 473/2009 wef 09/10/2009]
[S 16/2022 wef 14/01/2022]*

(2) Officers in the employment of Government ministries, departments, statutory boards and Government-linked companies shall be eligible for appointment by the Senate as commissioners for oaths.

(3) Court interpreters and court officers shall be eligible for appointment by the Senate as commissioners for oaths.

[S 81/2021 wef 05/02/2021]

(4) Employees of such non-profit organisations as the Senate may designate shall be eligible for appointment by the Senate as commissioners for oaths.

[S 258/2006 wef 15/05/2006]

(5) The Senate may at any time revoke the designation of a non-profit organisation referred to in paragraph (4).

[S 258/2006 wef 15/05/2006]

(6) The Senate shall cause to be published from time to time in the *Gazette* a list of the designated non-profit organisations referred to in paragraph (4) or whose designations have been revoked under paragraph (5).

[S 258/2006 wef 15/05/2006]

Duration of appointment

4.—(1) Commissioners for oaths shall be appointed for a period of one year and may be reappointed for each subsequent year as the Senate may, in its discretion, decide.

(2) In appointing commissioners for oaths, the Senate shall have regard to the number of commissioners already practising in the place where the applicant proposes to practise and to the convenience of the inhabitants of that place.

Application procedure

5.—(1) Applications for reappointment as commissioners for oaths shall be lodged with the Secretary 2 clear months before the expiry of each preceding period of appointment.

(2) The procedure for applying for appointment or reappointment as a commissioner for oaths shall be as follows:

(a) an advocate and solicitor shall lodge with the Secretary an application for his appointment or reappointment as a commissioner for oaths, setting forth —

(i) his date of admission to the roll of the Supreme Court and the

number of years that he has been in active practice or been a Judicial Service Officer or a Legal Service Officer;

[S 473/2009 wef 09/10/2009]

[S 16/2022 wef 14/01/2022]

- (ii) whether he is or ever been an undischarged bankrupt or has made an arrangement with his creditors;
 - (iii) whether he has ever been convicted of any criminal offence;
 - (iv) whether he has ever been found guilty of any professional misconduct; and
 - (v) whether he is or has been the subject of disciplinary proceedings under Part VII of the Legal Profession Act (Cap. 161), and if so, the date and nature of the complaint, whether the complaint resulted in the appointment of a Disciplinary Committee, and if so, the result of its inquiry;
- (b) a person who is not an advocate and solicitor shall lodge with the Secretary an application for his appointment or reappointment as a commissioner for oaths, setting forth —
- (i) where and for how long he has been employed;
 - (ii) the capacity in which he is applying for appointment as commissioner for oaths;
 - (iii) whether he is or has ever been an undischarged bankrupt or has made an arrangement with his creditors;
 - (iv) whether he has ever been convicted of any criminal offence;
 - (v) whether disciplinary proceedings has ever been initiated against him; and
 - (vi) whether he is or has ever been found guilty of any professional misconduct; and
- (c) an applicant who is a person referred to in rule 3(2) or (4) or a court officer shall annex to his application form a schedule (to be referred to as “Schedule I”) setting out the nature of the documents which he will take and receive if appointed as a commissioner for oaths; and the schedule may be updated during his term of appointment by his employer notifying the Secretary of any changes to the schedule.

Register of commissioners for oaths

6. The particulars of every commissioner for oaths appointed by the Senate shall be registered with the Senate in a register maintained by the Secretary in such form as the Senate may determine.

Limitation of appointment

7.—(1) Advocates and solicitors who are appointed commissioners for oaths may administer oaths for taking any affidavit or affirmation or for the swearing of executors and administrators in accordance with section 68(2)(c)(ii) and (v) of the Act and of taking and receiving statutory declarations in accordance with section 68(2)(d) of the Act.

(2) Court interpreters may be appointed commissioners for oaths to administer oaths in accordance with section 68 of the Act, subject to such limitations as the Senate may determine or as may be stated in the certificate of appointment.

(3) Officers referred to in rule 3(2), employees referred to in rule 3(4) and court officers may be appointed commissioners for oaths to take and receive the documents specified in Schedule I of their applications and subject to such other limitations as the Senate may determine or as may be stated in the certificate of appointment.

*[S 258/2006 wef 15/05/2006]
[S 81/2021 wef 05/02/2021]*

Language of deponents

8.—(1) Subject to paragraph (2), no advocate and solicitor who is appointed as a commissioner for oaths shall cause an affidavit or statutory declaration to be taken by, or an oath to be administered to, any person other than a deponent who speaks and understands the English language.

(2) An advocate and solicitor who is appointed as a commissioner for oaths and who is proficient in a language or dialect other than English may, in his discretion, cause an affidavit or statutory declaration to be taken by, or an oath to be administered to, a deponent in such language or dialect if the deponent speaks and understands the language or dialect in which the advocate and solicitor is proficient.

[S 439/98 wef 01/09/1998]

Restriction

9. No advocate and solicitor so appointed shall act as a commissioner for oaths in any matter or business in which he or any member of his firm is acting as advocate and solicitor.