

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.

SECOND SCHEDULE.

(Section 8.)

REGULATIONS.

1. In these Regulations—
- Definitions.
- (a) the expression “person administering the oath” shall include any person before whom any oath or affirmation may be taken, or any affidavit or declaration may be made, or any instrument may be executed, under the provisions of sections 3, 4, 5, 6 and 7 (2) of the Oaths Law, 1938 ;
- (b) the expression “jurat” shall mean a statement at the foot of an affidavit or declaration of the names of the parties swearing or making it, and of the person administering the oath, of the date and of any other necessary particulars as that the affidavit or declaration of a blind or illiterate person was read in the presence of the person administering the oath to such blind or illiterate person.
2. Every document or instrument to be sworn shall state the full name, trade or profession and address of the person making it.
- Deponent's name and address.
3. A document or instrument to be sworn may be in the first or the third person, and may be divided into convenient paragraphs numbered consecutively.
- Form of affidavit etc.
4. Any interlineation, alteration, erasure or obliteration made before a document or instrument is sworn shall be attested by the person administering the oath, who shall affix his signature or initials in the margin immediately opposite thereto.
- Corrections to be attested.
5. Where a document or instrument to be sworn is illegible or difficult to read, or is, in the judgment of the person who is requested to administer the oath, so written as to facilitate fraudulent alterations, he may refuse to administer the oath, and may require the document or instrument to be re-written.
- Procedure with illegible affidavits, etc.
6. A document or instrument when sworn shall be signed by the deponent, or, if he cannot write, marked by him with his mark, in the presence of the person administering the oath.
- Deponent to sign affidavit.

Provision as to jurat.

7. The jurat shall be written without interlineation, alteration, erasure or obliteration immediately at the foot of a document or instrument to be sworn, and towards the left side of the paper, and shall be signed by the person administering the oath. It shall state the date of the swearing, and the place where the document or instrument is sworn, and that the document or instrument was sworn before the person administering the oath.

Where the deponent is blind, or illiterate, it shall state that fact, and that the document or instrument was read over to him in the presence of the person administering the oath, and that the deponent appeared to understand it.

Provisions where deponent illiterate.

8. When the deponent makes his mark instead of signing, the jurat shall state that fact, and that the mark was made in the presence of the person administering the oath.

Joint affidavit.

9. Where two or more persons join in swearing to a document or instrument, their several names shall be written in the jurat, and it shall appear by the jurat that each of them has been sworn to the truth of the several matters stated by him in the document or instrument.

Provision as to alteration of affidavit.

10. The person administering the oath shall not allow a document or instrument when sworn to be altered in any manner without being re-sworn.

If the jurat has been added and signed, he shall add a new jurat on the document or instrument being re-sworn, and in the new jurat he shall mention the alteration. He may refuse to allow the document or instrument to be re-sworn, and may require the document or instrument to be re-written.

Form of oath in affidavit.

11. A person taking any oath in the form of an affidavit shall use words to the following effect :—

“ I swear by Almighty God that this is my name and signature (or mark) (deponent points to his signature or mark) and that the contents of this, my affidavit (or otherwise, as the case may be) are true.”

A person making an affirmation or declaration shall use words to the following effect :—

“ I solemnly and sincerely declare and affirm that this is my name and signature (or mark) (deponent points to his signature or mark) and that the contents of this, my affirmation (or declaration) are true ” ;

and in the case of a declaration, there shall be added the words :—

“ I make this solemn declaration conscientiously believing the same to be true.”

THIRD SCHEDULE.

(Section 10.)

ENACTMENTS REPEALED.

Enactments	Extent of repeal
1. The Oaths and Affidavits Law, 1931, (No. 2 of 1931)	The whole.
2. The Oaths and Affidavits (Amendment) Law, 1933, (No. 22 of 1933)	The whole.
3. The Oaths and Affidavits (Amendment) Law, 1936, (No. 39 of 1936)	The whole.

No. 6 OF 1938.

A LAW TO AMEND THE CYPRUS PENSIONS ORDERS AND LAW, 1929 TO 1936.

H. R. PALMER,]
Governor.

[1st April, 1938.

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

1. This Law may be cited as the Cyprus Pensions Order in Council, 1929, (Amendment) Law, 1938, and shall be read as one with the Cyprus Pensions Orders and Law, 1929 to 1936, (hereinafter called "the Order"), and the Order and this Law may together be cited as the Cyprus Pensions Orders and Laws, 1929 to 1938. Short title.
6 of 1936

2. Section 2 of the Order shall be amended as follows:—

(a) By the insertion at the end of paragraph (a) of the definition of the term "pensionable emoluments" of the following proviso:—

"provided that in the case of a constable it shall also include good conduct pay and merit allowance but shall not include house allowance ;"

(b) By the insertion therein at the end thereof of the following definition:—

"The term 'constable' includes all members of the Cyprus Police Force (hereinafter called 'the Force') below the rank of Sub-Inspector:

Amendment
of section 2
of the Order.