

STATUTORY DECLARATIONS ACT, 1938.

AN ACT TO MAKE FURTHER AND BETTER PROVISION IN REGARD TO STATUTORY DECLARATIONS AND MATTERS CONNECTED THEREWITH.

[21st December, 1938.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

Statutory declarations.

1.—(1) It shall be lawful for any of the following persons, that is to say:—

- (a) a notary public,
- (b) a commissioner for oaths,
- (c) a peace commissioner,
- (d) a person authorised by law to take and receive statutory declarations,

to take and receive the declaration in writing of any person making the same before him in the form set out in the Schedule to this Act.

(2) A declaration made under this section shall be known for all purposes as and is in this Act called a statutory declaration, and, notwithstanding anything contained in any other statute, the expression "statutory declaration" (save if or in so far as it refers to a declaration made before the passing of this Act) shall, in every statute or statutory instrument now in force or hereafter enacted or made, be construed and have effect as meaning a declaration made under this section.

(3) In the first sub-section of this section the expression "a person authorised by law to take and receive statutory declarations" means a person authorised by or under any statute (whether enacted before or after the passing of this Act) to take and receive statutory declarations, and includes a person so authorised to take and receive statutory declarations from particular persons or a particular class of persons or for a particular purpose or in particular circumstances.

Signing and attestation of statutory declarations.

2.—(1) Every statutory declaration shall be signed by the person making the same in the presence of the person before whom it is made and shall then be attested by the said person before whom it is made signing an attestation at the foot thereof in the form and containing the particulars set out in the form of statutory declaration in the Schedule to this Act.

(2) Save as is otherwise provided by this section, no person (in this sub-section referred to as the first-mentioned person) shall take or receive a statutory declaration from another person (in this sub-section referred to as the declarant) unless the declarant is personally known to the first-mentioned person or is identified to him by a person who is personally known to him.

(3) The next preceding sub-section of this section shall not apply to a person who is authorised by statutes (whether passed before or after this Act) to receive and take statutory declarations from

particular persons or a particular class of persons for the purposes of that statute, and accordingly, where any such statutory declaration is received and taken by a person so authorised, the words "who is personally known to me (or who is identified to me by C. D. who is personally known to me)" may be omitted from such statutory declaration.

Restriction on persons specially authorised.

3.—Where a person is or shall be authorised by law to receive and take statutory declarations from particular persons or a particular class of persons or for a particular purpose or in particular circumstances, nothing in this Act shall operate to authorise such person to receive and take statutory declarations otherwise than (as the case may be) from the said particular persons or particular class of persons or for the said particular purpose or in the said particular circumstances.

Adaptation of existing statutory forms.

4.—Wherever a form of declaration, prescribed before the passing of this Act by or under any statute (other than the Statutory Declarations Act, 1835) and in force at such passing, contains a statement that such declaration is made by virtue of the Statutory Declarations Act, 1835, and such declaration is, expressly or by implication, to be made under section 18 of that Act, the following provisions shall, as regards any such declaration made after the passing of this Act, have effect, that is to say:—

(a) the form so prescribed of such declaration shall be altered so as to conform either (as may be appropriate) to the form set out in the Schedule to this Act or to that form with the omission therefrom of the words "who is personally known to me (or who is identified to me by C. D. who is personally known to me)", and

(b) such declaration made in such altered form shall be deemed for all purposes to be made under section 1 of this Act.

Fees chargeable by notaries public and commissioners for oaths.

5.—Every notary public and every commissioner for oaths who shall take and receive a statutory declaration shall be entitled to charge and be paid therefor the like fees as he would be entitled to charge and be paid if such statutory declaration were an affidavit made before him.

Penalty for false declaration.

6.—Every person who makes a statutory declaration which to his knowledge is false or misleading in any material respect shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

Repeal and saving.

7.—(1) Section 18 of the Statutory Declarations Act, 1835, is hereby repealed.

(2) Nothing in this Act shall apply to or affect the making of a declaration under or in pursuance of any provision of the Statutory Declarations Act, 1835, other than the said section 18 thereof.

Short title.

8.—This Act may be cited as the Statutory Declarations Act, 1938.

SCHEDULE

FORM OF STATUTORY DECLARATION.

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 Statutory Declarations Act, 1938.

(Signed) A. B.

Declared before me by A. B.
who is personally known to
me (*or* who is identified to
me by C. D. who is personally
known to me) at

.....
this day of
.....
.....