

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

COMMISSIONERS FOR OATHS RULES

ARRANGEMENT OF RULES

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[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;

“Legal Service Officer” means an officer in the Singapore Legal Service;

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

“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 Legal Service Officer shall be eligible for appointment as a commissioner for oaths.

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

(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 shall be eligible for appointment by the Senate as commissioners for oaths.

(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the *Gazette* a list of the designated non-profit organisations referred to in paragraph (4) or whose designations have been revoked under paragraph (5).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 Legal Service Officer;

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

(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) 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.

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

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) and employees referred to in rule 3(4) 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]

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.

Fees

10.—(1) The fees payable to the Academy —

- (a) for an application for appointment or reappointment as a commissioner for oaths; and

(b) for each appointment or reappointment as a commissioner for oaths,

are specified in Part I of the Schedule.

(2) No fee paid to the Academy for an application mentioned in paragraph (1)(a) is refundable.

(3) The fees to be charged by a commissioner for oaths are specified in Part II of the Schedule.

[S 309/2016 wef 01/07/2016]

Instruments of appointment

11.—(1) Every commissioner for oaths shall upon appointment or reappointment receive a certificate of appointment.

(2) Every commissioner for oaths shall exercise his appointment or reappointment in accordance with the conditions stated in the certificate of appointment.

(3) Every commissioner for oaths shall upon appointment or reappointment receive a commissioner's stamp from the Academy specifying the expiry date of the appointment or reappointment.

(4) Every commissioner for oaths shall stamp the expiry date of his appointment or reappointment on every document administered in exercise of his appointment or reappointment.

Register of documents administered

12. Every commissioner for oaths shall —

- (a) keep a register of documents taken in exercise of his appointment;
- (b) furnish such information as the Secretary may require; and
- (c) make the register available for inspection by the Secretary upon request.

Revocation of appointment

13.—(1) The appointment of a commissioner for oaths shall be deemed to be revoked —

- (a) when he is adjudged a bankrupt;
- (b) when he is convicted of an offence for which he is sentenced to a term of imprisonment (except where the imprisonment is imposed in default of payment of a fine);
- (c) in the case of an officer referred to in rule 3(2) or a court interpreter, when he is dismissed from service or reduced in rank or his employment is terminated;

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

- (d) in the case of an advocate and solicitor, when he is suspended or struck off the roll of the Supreme Court of Singapore; or
- (e) in the case of an employee of a non-profit organisation designated under rule 3(4), when —
 - (i) his employment is terminated; or
 - (ii) the Senate revokes the designation of the non-profit organisation under rule 3(5).

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

(2) Any commissioner for oaths whose appointment is automatically revoked in accordance with paragraph (1) shall forthwith return to the Secretary his certificate of appointment and commissioner's stamp.

List of commissioners for oaths

14. The Senate shall cause to be published from time to time in the *Gazette* a list of commissioners for oaths appointed and reappointed, or whose appointments have been revoked.

THE SCHEDULE

Rule 10

PART I

FEES PAYABLE TO THE ACADEMY

Fee payable by advocate and solicitor

1. The fee payable per annum to the Academy by an advocate and solicitor for each appointment or reappointment as a commissioner for oaths shall be \$650.

[S 309/2016 wef 01/07/2016]

Fee payable for appointment of officer referred to in rule 3(2) as commissioner for oaths

2. The fee payable per annum to the Academy for each appointment or reappointment of an officer referred to in rule 3(2) as a commissioner for oaths shall be \$175.

[S 309/2016 wef 01/07/2016]

Fee payable for appointment of employee referred to in rule 3(4) as commissioner for oaths

3. The fee payable per annum to the Academy for each appointment or reappointment of an employee referred to in rule 3(4) as a commissioner for oaths shall be \$175.

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

[S 309/2016 wef 01/07/2016]

Fee payable for appointment of court interpreter mentioned in rule 3(3) as commissioner for oaths

4. The fee payable per annum to the Academy for each appointment or reappointment of a court interpreter mentioned in rule 3(3) as a commissioner for oaths is \$175.

[S 309/2016 wef 01/07/2016]

Application fee

5. The application fee payable to the Academy for an application for appointment or reappointment as a commissioner for oaths is as follows:

- (a) \$50, for an application by an advocate and solicitor mentioned in rule 3(1);

THE SCHEDULE — *continued*

- (b) \$25, for an application by an officer mentioned in rule 3(2), a court interpreter mentioned in rule 3(3) or an employee mentioned in rule 3(4).

[S 309/2016 wef 01/07/2016]

PART II

FEES TO BE CHARGED BY A COMMISSIONER FOR OATHS

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|---|-------|
| 1.—(1) On taking an affidavit or affirmation before an advocate and solicitor who is appointed as a commissioner for oaths | \$25. |
| (2) For each exhibit referred to in an affidavit sworn or affirmed before an advocate and solicitor who is appointed as a commissioner for oaths | \$5. |
| 2.—(1) On taking or re-taking an affidavit or a declaration in lieu of an affidavit or a declaration or an acknowledgment for each person making the same | \$25. |
| (2) And in addition for each exhibit referred to therein and required to be marked | \$5. |
| 3.—(1) On taking or receiving a statutory declaration | \$25. |
| (2) For each exhibit referred to therein which is required to be marked | \$5. |

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

[S 309/2016 wef 01/07/2016]

[G.N. Nos. S 566/95; S 477/96]

LEGISLATIVE HISTORY
COMMISSIONERS FOR OATHS RULES
(CHAPTER 322, R 3)

This Legislative History is provided for the convenience of users of the Commissioners for Oaths Rules 1995. It is not part of the rules.

1. G.N. No. S 566/1995 — Commissioners for Oaths Rules 1995

Date of commencement : 1 January 1996

2. 1996 Revised Edition — Commissioners for Oaths Rules

Date of operation : 15 May 1996

3. G. N. No. S 477/1996 — Commissioners for Oaths (Amendment) Rules 1996

Date of commencement : 1 November 1996

4. 1997 Revised Edition — Commissioners for Oaths Rules

Date of operation : 26 September 1997

5. G. N. No. S 439/1998 — Commissioners for Oaths (Amendment) Rules 1998

Date of commencement : 1 September 1998

6. G. N. No. S 258/2006 — Commissioners for Oaths (Amendment) Rules 2006

Date of commencement : 15 May 2006

7. G. N. No. S 473/2009 — Commissioners for Oaths (Amendment) Rules 2009

Date of commencement : 9 October 2009

8. G.N. No. S 309/2016 — Commissioners for Oaths (Amendment) Rules 2016

Date of commencement : 1 July 2016