



No. 15 of 2000.

Oaths, Affirmations and Statutory Declarations (Amendment) Act 2000.

Certified on : 4 SEP 2000

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 2000.

Oaths, Affirmations and Statutory Declarations (Amendment) Act 2000.

ARRANGEMENT OF SECTIONS.

1. Repeal and Replacement of Section 12.
 "12. COMMISSIONER FOR OATHS."
2. New Section 12A.
 "12A. COMMISSIONER FOR OATHS APPOINTED UNDER
 LAWYERS ACT 1986."
3. New Section 12B.
 "12B. APPLICATION."
4. New Section 12C.
 "12C. GRANT OF APPLICATION."
5. New Section 17A.
 "17A. CESSATION OF APPOINTMENT."
6. New Part VIII.
 "PART VIII. – OFFENCES."
 "19. OFFENCES."
7. Amendment of Schedule.

SCHEDULE.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 2000.

AN ACT

entitled

Oaths, Affirmations and Statutory Declarations (Amendment) Act 2000.

Being an Act to amend the *Oaths, Affirmations and Statutory Declarations Act* (Chapter 317),

MADE by the National Parliament.

1. REPEAL AND REPLACEMENT OF SECTION 12.

Section 12 of the Principal Act is repealed and is replaced with the following: -

“12. COMMISSIONER FOR OATHS.

(1) The Minister -

(a) may by notice in the National Gazettee appoint a person to be a Commissioner for Oaths; and

(b) shall specify the person's current title or a position held prior to the person's appointment.

(2) Subject to Section 17(A), a Commissioner for Oaths shall be appointed for a period of six years and is eligible for reappointment.”.

2. NEW SECTION 12A.

The Principal Act is amended by inserting after Section 12 the following new section: -

**“12A. COMMISSIONER FOR OATHS APPOINTED UNDER
LAWYERS ACT 1986.**

Notwithstanding Section 108 of the *Lawyers Act 1986*, a lawyer shall not perform the duties of a Commissioner for Oaths unless he is the holder of a current practising certificate issued under the *Lawyers Act 1986*.

1

Oaths, Affirmations and Statutory Declarations (Amendment)

3. NEW SECTION 12B.

The principal Act is amended by inserting after Section 12A the following new section: -

"12B. APPLICATION.

- (1) Subject to Subsection (2), a person other than a –
- (a) Judge; or
 - (b) Magistrate; or
 - (c) Lawyer holding a current practising certificate issued under the *Lawyers Act 1986*; or
 - (d) Clergyman,

may apply to the Minister for consideration for appointment as a Commissioner for Oaths.

"(2) A person under the age of 30 years is not eligible to apply for consideration for appointment under Subsection (1) as Commissioner of Oaths.

"(3) An application under Subsection (1) -

- (a) shall be lodged with the Minister; and
- (b) shall be in Form 12; and
- (c) shall be accompanied by a fee of K200.00; and
- (d) shall contain the reasons for making the application and particulars of such title or a position as is held in any capacity by the applicant and such other particulars on the applicant's suitability as may be prescribed or as the Minister may require."

4. NEW SECTION 12C.

The Principal Act is amended by inserting after Section 12B the following new section: -

"12C. GRANT OF APPLICATION.

(1) On receipt of an application under Section 12B(1), where the Minister considers that the applicant -

- (a) is a fit and proper person of good reputation and character; and
- (b) is mature; and
- (c) has good standing in the community,

the Minister may grant the application and appoint the applicant as Commissioner for Oaths under Section 12(1).

"(2) An applicant is a fit and proper person where he holds a certificate signed by the Attorney-General certifying that the applicant is a fit and proper person.

Oaths, Affirmations and Statutory Declarations (Amendment)

“(3) The certificate of a fit and proper person shall be in Form 13.”.

5. NEW SECTION 17A.

The Principal Act is amended by inserting after Section 17 the following new section:-

“17A. CESSATION OF APPOINTMENT.

(1) If a Commissioner for Oaths -

(a) dies; or

(b) becomes permanently incapable of performing the duties as Commissioner for Oaths; or

(c) is convicted of an offence punishable under law by a term of imprisonment or by death and as a result of the conviction is sentenced to imprisonment or death,

his appointment as Commissioner for Oaths under this Act or the *Lawyers Act 1986* ceases.

“(2) A person ceases to be a Commissioner for Oaths -

(a) if he ceases to hold the title or the position as the Minister specifies under Section 12(1)(b); or

(b) being a lawyer he ceases to hold or is suspended from holding a current practising certificate issued to him under the *Lawyers Act 1986*.”.

6. NEW PART VIII.

The Principal Act is amended by inserting after Part VII the following new Part: -

“PART VIII. – OFFENCES.

“19. OFFENCES.

(1) A Commissioner for Oaths who authenticates, witnesses or signs an oath, affirmation, statutory declaration or affidavit that is to his knowledge false in a material particular, is guilty of an offence.

Penalty: A fine not exceeding K10,000.00 or a term of imprisonment not exceeding two years or both.

“(2) A person who falsely represents himself to be a Commissioner for Oaths, is guilty of an offence.

Penalty: A fine not exceeding K10,000.00 or a term of imprisonment not exceeding two years or both.

Oaths, Affirmations and Statutory Declarations (Amendment)

“(3) A person who makes a false representation in applying for appointment as Commissioner for Oaths, is guilty of an offence.

Penalty: A fine not exceeding K10,000.00 or a term of imprisonment not exceeding two years or both.”.

7. AMENDMENT OF SCHEDULE.

Schedule to the Principal Act is amended by inserting after Form 11 the following Forms:-

Oaths, Affirmations and Statutory Declarations.

SCHEDULE.

Sec.12A(3)(b)(d)

Form 12

APPLICATION FOR APPOINTMENT AS A COMMISSIONER FOR OATHS.

I, _____ of _____

apply for appointment as a Commissioner for Oaths.

Reasons for making the Application.

I make application for the following reasons
(state reasons)

Particulars.

The following particulars apply: -

Title: (if any) _____

Position held: (if any) _____

And such other particulars as may be prescribed or as the Minister may determine.

.....
Applicant.

Oaths, Affirmations and Statutory Declarations (Amendment)

SCHEDULE.

Section 12C(3)

Form 13

CERTIFICATE OF A FIT AND PROPER PERSON.

I, _____ Attorney-General, hereby, certify
that _____
(applicant for appointment as Commissioner
for Oaths) is a fit and a proper person/not a fit and proper person *(delete whichever is*
inapplicable).

RECOMMENDATIONS *(if any)*

.....
Attorney-General.

I hereby certify that the above is a fair print of the *Oaths, Affirmations and Statutory Declarations (Amendment) Act 2000* which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the *Oaths, Affirmations and Statutory Declarations (Amendment) Act 2000* was made by the National Parliament on 26 July 2000.

Speaker of the National Parliament.