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Commissioners of Oaths Act, 1942

Act 23 of 1942

Legislation as at 1 December 1998

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Commissioners of Oaths Act, 1942

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eSwatini

Commissioners of Oaths Act, 1942

Act 23 of 1942

Commenced on 3 July 1942

[This is the version of this document at 1 December 1998.]

An Act to make provision for the appointment of Commissioners of Oaths.

1. Short title

This Act may be cited as the Commissioners of Oaths Act, 1942.

2. Appointment of Commissioners of Oaths

- (1) The Minister for Justice and Constitutional Development may appoint commissioners of oaths for Swaziland, who shall hold their commissions during the pleasure of the Deputy Prime Minister.
- (2) The name and address of every person appointed under subsection (1) shall be published in the *Gazette* and the cancellation of such appointment shall likewise be published in the *Gazette*.

3. *Ex officio* commissioners of oaths

- (1) Any person holding, or lawfully acting in, an office specified in Part I or Part II of the Schedule shall, during his tenure of office, or while so acting, except when suspended from exercising the functions thereof, be a commissioner of oaths for the area described in the second column of that Schedule opposite the name of his office.
- (2) The Minister for Justice and Constitutional Development may, by notice in the *Gazette* amend Part II of the Schedule.

4. Powers and jurisdiction of commissioners of oaths

A commissioner of oaths may, within the area in respect of which he is under this Act appointed or declared to be a commissioner of oaths, administer an oath on affidavit or take a solemn or attested declaration whenever requested to do so, or whenever he, if he is also a member of the Swaziland Police, considers it desirable that a statement on oath or solemn or attested declaration be obtained in connection with any offence, and the person concerned is willing to make such statement or declaration, or whenever any statement on oath or solemn or attested declaration is required by any law in force:

Provided that he shall not administer an oath or take a solemn or attested declaration in respect of any matter in which he has not, or does not believe himself to have, cognisance or authority.

5. Penalties for false statements

Any person who, in an affidavit or solemn or attested declaration made before a person competent to administer the oath or take such declaration, makes a false statement corruptly or maliciously, or makes such statement knowing it to be false, and with the intention of injuring another person, or benefiting himself, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for the crime of perjury.

6. Regulations

The Deputy Prime Minister may make regulations not inconsistent with this Act prescribing the form and manner in which oaths and declarations shall be taken, when not prescribed by any other law, and generally for the better carrying out of the objects and purposes of this Act.

Schedule (Under section 3 of the Act)

Ex officio commissioners of oaths

Part I

[Amended P.18/1962; L.N.51/1999; L.N.112/2000]

Office held	Area in which oath may be administered or declaration taken
1. Justice of the Peace	Region or area for which office is held
2. Notary Public	Whole of Swaziland
3. Attorney entitled to practice in Swaziland	Whole of Swaziland
4. Chartered Accountant or Chartered Secretary and so permitted in writing by the Swaziland Institute of Accounts	Region or area for which office is held

Part II

Accountant-General	area and jurisdiction of office
Advances Manager, all Commercial Banks	area and jurisdiction of office
Administration and Public Relations Manager, Swaziland Sugar Association	area and jurisdiction of office
Administration Manager, Swaziland National Provident Fund	area and jurisdiction of office
Assistant Attorney-General	whole of Swaziland
Assistant Commissioner of Taxes	area and jurisdiction of office
Assistant Commissioner of Police	area and jurisdiction of office
Assistant Commissioner of Correctional Services	area and jurisdiction of office
Assistant General Manager, Central Bank of Swaziland	area and jurisdiction of office
Assistant Investigator – Anti-Corruption Unit	jurisdiction of office
Assistant Manager, all Commercial Banks	area and jurisdiction of office
Assistant Manager Public Affairs, Tibiyo Taka Ngwane (Lozitha)	area and jurisdiction of office
Assistant Master of the High Court	jurisdiction of office
Assistant Judicial Commissioner	jurisdiction of office
Assistant Director (both Postal and Telecommunications)	area and jurisdiction of office
Assistant District Registrar	area and jurisdiction of office
Assistant Personnel Manager, Ubombo Ranches	area and jurisdiction of office

Assistant Registrar of the High Court	jurisdiction of office
Assistant Regional Officer	area and jurisdiction of office
Assistant Registrar-General	area and jurisdiction of office
Assistant Regional Officer	area and jurisdiction of office
Assistant Superintendent of Police	area and jurisdiction of office
Assistant Superintendent of Correctional Services	area and jurisdiction of office
Attorney-General	whole of Swaziland
Auditor-General	area and jurisdiction of office
Branch Manager – all Commercial Banks and Building Societies	area and jurisdiction of office
Chairman of Civil Service Board	area and jurisdiction of office
Chief Agricultural Officer	area and jurisdiction of office
Chief Agricultural Research and Development Officer	area and jurisdiction of office
Chief Anti-Corruption Officer	jurisdiction of office
Chief Executive Officer – National Maize Corporation	area and jurisdiction of office
Chief Executive Officer, Swaziland Electricity Board	area and jurisdiction of office
Chief Executive Officer, Swaziland National Provident Fund	area and jurisdiction of office
Chief Executive Officer, Swaziland Railways	area and jurisdiction of office
Chief Immigration Officer	area and jurisdiction of office
Chief of Protocol	area and jurisdiction of office
Chief Professional Officer, Works and Construction	jurisdiction of office

Clerk to House of Assembly	jurisdiction of office
Clerk to Local Authority	jurisdiction of office
Clerk to Senate	jurisdiction of office
Commissioner – Anti-Corruption Unit	jurisdiction of office
Commissioner of Taxes	area and jurisdiction of office
Commissioner of Co-operatives	area and jurisdiction of office
Commissioner of Correctional Services	area and jurisdiction of office
Commissioner of Police	area and jurisdiction of office
Company Secretary, Simunye Sugar Estates	area and jurisdiction of office
Conveyancer	whole of Swaziland
Crown Counsel	whole of Swaziland
Crown Prosecutor	whole of Swaziland
Customs Officer	area and jurisdiction of office
Deputy Accountant-General	area and jurisdiction of office
Deputy Attorney-General	whole of Swaziland
Deputy Auditor-General	area and jurisdiction of office
Deputy Director (Both Posts and Telecommunications)	area and jurisdiction of office
Deputy Commissioner – Anti-Corruption Unit	jurisdiction of office
Deputy Commissioner of Police	area and jurisdiction of office
Deputy Commissioner of Correctional Services	area and jurisdiction of office

Deputy Director of Public Prosecutions	whole of Swaziland
Deputy Governor – Central Bank of Swaziland	area and jurisdiction of office
Deputy Managing Director – all Commercial Banks and Building Societies	area and jurisdiction of office
Deputy Registrar of the High Court	jurisdiction of office
Director Administration, Central Bank of Swaziland	area of jurisdiction of office
Director – Anti-Corruption Unit	jurisdiction of office
Director of Education	area and jurisdiction of office
Director of Geological Survey and Mines	area and jurisdiction of office
Director of Health Services	area and jurisdiction of office
Director of Medical Services	area and jurisdiction of office
Director of Both Posts and Telecommunications	area and jurisdiction of office
Director of Human Resources, City Council of Mbabane	area and jurisdiction of office
Director of Personnel and Administration Swaziland Railways	area and jurisdiction of office
Director of Public Prosecutions	area and jurisdiction of office
Director, Water Services Corporation	area and jurisdiction of office
Director, Veterinary Services	area and jurisdiction of office
District Registrar	area and jurisdiction of office
Executive Director, Conciliation, Mediation and Arbitration Commission	area and jurisdiction of office
Executive Regional Human Resources Manager, Swazispa Holdings	area and jurisdiction of office

Finance Manager, First National Bank	area and jurisdiction of office
Finance Manager, Havelock Asbestos Mines, Bulembu Mine	area and jurisdiction of office
Finance Manager, Ubombo Ranches	area and jurisdiction of office
Full time Commissioners, Conciliation, Mediation and Arbitration Commission	area and jurisdiction of office
General Manager, Big Bend Sugar Estates	area and jurisdiction of office
General Manager, all Commercial Banks and Building Societies	area and jurisdiction of office
General Manager, Mhlume Sugar Company	area and jurisdiction of office
General Manager, Ubombo Ranches	area and jurisdiction of office
General Manager, Usuthu Pulp Company	area and jurisdiction of office
General Manager, Swaziland Royal Sugar Corporation	area and jurisdiction of office
General Manager, Swaziland Building Society	area and jurisdiction of office
General Manager, Swaziland Fruit Cannery Company	area and jurisdiction of office
Governor, Central Bank of Swaziland	area and jurisdiction of office
Government Statistician	area and jurisdiction of office
Head of Credit and Risk Treasurer, First National Bank	area and jurisdiction of office
Head of Human Resources, First National Bank	area and jurisdiction of office
Human Resources Manager, Cadbury Swaziland Company	area and jurisdiction of office
Human Resources Manager, Swaziland Holdings Limited	area and jurisdiction of office

Human Resources Manager, Swazi Paper Mills	area and jurisdiction of office
Human Resources Manager, Swazispa Holdings	area and jurisdiction of office
Human Resources Manager, Mhlume Sugar Company	area and jurisdiction of office
Income Tax Officer	area and jurisdiction of office
Industrial Relations Manager, Mhlume Sugar Company	area and jurisdiction of office
Industrial Relations Officer, Ubombo Ranches	area and jurisdiction of office
Inspector of Machinery	area and jurisdiction of office
Inspector of Mines	area and jurisdiction of office
Inspector of Police	area and jurisdiction of office
Joint Managing Director, Big Bend Sugar Estates	area and jurisdiction of office
Judicial Commissioner	area and jurisdiction of office
Juros Food Products (Pty) Ltd Human Resource Manager	area and jurisdiction of office
Labour Commissioner	area and jurisdiction of office
Labour Inspector	area and jurisdiction of office
Labour Officer (Government)	whole of Swaziland
Legal Training Officer/Counsel	whole of Swaziland
Magistrate	whole of Swaziland
Manager – (of any description) all Commercial Banks	area and jurisdiction of office
Manager, Banking, Central Bank of Swaziland	area and jurisdiction of office
Manager, Big Bend, First National Bank	area and jurisdiction of office

Manager, Centralised Credit, First National Bank	area and jurisdiction of office
Manager, International Division, First National Bank	area and jurisdiction of office
Manager of Finance and Administration-Office of the Registrar of Insurance and Retirement Funds	area and jurisdiction of office
Manager of Licensing and Inspection-Office of the Registrar of Insurance and Retirement Funds	area and jurisdiction of office
Manager, Resources Mandini, First National Bank	area and jurisdiction of office
Manager, Resources Matsapha, First National Bank	area and jurisdiction of office
Manager, Resources Mbabane, First National Bank	area and jurisdiction of office
Managing Director, all Commercial Banks	area and jurisdiction of office
Managing Director, First National Bank	area and jurisdiction of office
Managing Director, Tibiyo Insurance Brokers	area and jurisdiction of office
Managing Director, Usuthu Pulp Company	area and jurisdiction of office
Master of the High Court	area and jurisdiction of office
Mine Manager, Havelock Asbestos, Bulembu Mine	area and jurisdiction of office
Old Mutual Life Assurance Company (Swaziland) Ltd Business Development Manager	area and jurisdiction of office
Old Mutual Life Assurance Company (Swaziland) Ltd Chief Executive Officer	area and jurisdiction of office
Old Mutual Life Assurance Company (Swaziland) Ltd Client Service Centre Manager	area and jurisdiction of office
Old Mutual Life Assurance Company (Swaziland) Ltd Financial Advisor	area and jurisdiction of office
Old Mutual Life Assurance Company (Swaziland) Ltd Financial Manager	area and jurisdiction of office

Old Mutual Life Assurance Company (Swaziland) Ltd Operations Manager	area and jurisdiction of office
Parliamentary Counsel	whole of Swaziland
Personnel Manager (Forest), Sappi	area and jurisdiction of office
Personnel Manager, Mhlume Sugar Co.	area and jurisdiction of office
Personnel Manager, Inyoni Yami Swaziland Irrigation Scheme	area and jurisdiction of office
Personnel Manager, Sappi	area and jurisdiction of office
Personnel Manager, Simunye Sugar Estates	area and jurisdiction of office
Personnel Manager, Swazi can	area and jurisdiction of office
Personnel Manager, Tibiyo Taka Ngwane (Lozitha)	area and jurisdiction of office
Postmaster and Postmistress	area and jurisdiction of office
Principal Secretary for a Ministry	area and jurisdiction of office
Principal Accountant – Anti-Corruption Unit	jurisdiction of office
Principal Auditor (Government)	area and jurisdiction of office
Principal Crown Counsel	whole of Swaziland
Principal Parliamentary Counsel	whole of Swaziland
Principal Broadcasting and Information officer	area and jurisdiction of office
Principal Community Development officer	area and jurisdiction of office
Principal Magistrate	whole of Swaziland
Principal, Swaziland Institute of Management and Public Administration	area and jurisdiction of office

Principal, Swaziland College of Technology	area and jurisdiction of office
Private Secretary to His Majesty	area and jurisdiction of office
Private Secretary to the Prime Minister	area and jurisdiction of office
Protocol and Public Relations Manager, Beral Swaziland Co.	area and jurisdiction of office
Pro-vice Chancellor, University of Swaziland	area and jurisdiction of office
Public Affairs Manager, Sappi	area and jurisdiction of office
Regional Manager, Wes Bank, First National Bank	area and jurisdiction of office
Regional Minister, Methodist Church of Southern Africa, Msunduza	area and jurisdiction of office
Regional Secretary	area and jurisdiction of office
Registrar of Companies	area and jurisdiction of office
Registrar General	area and jurisdiction of office
Registrar of Births Marriages and Deaths	area and jurisdiction of office
Registrar of Deeds	area and jurisdiction of office
Registrar-Office of the Registrar of Insurance and Retirement Fund	area and jurisdiction of office
Registrar of the High Court	area and jurisdiction of office
Registrar of Trade Marks, Patents and Designs	area and jurisdiction of office
Report Centre Commander – Anti-Corruption Unit	jurisdiction of office
SAPPI - Training and Personnel Superintendent	
SAPPI - Industrial Relations Superintendent	

Secretary, Land Speculations Board	area and jurisdiction of office
Secretary to the Board, Central Bank of Swaziland	area and jurisdiction of office
Security Manager, Sappi	area and jurisdiction of office
Security Manager, Swaziswa Holdings	area and jurisdiction of office
Security Services Manager, Mhlume Sugar Company	area and jurisdiction of office
Senior Anti-Corruption Officer	jurisdiction of office
Senior Commissioners, Conciliation, Mediation and Arbitration Commission	area and jurisdiction of office
Senior Crown Counsel	whole of Swaziland
Senior Customs Officer	area and jurisdiction of office
Senior Government Security Officer	area and jurisdiction of office
Senior Information Officer	area and jurisdiction of office
Senior Labour Officer (Government)	area and jurisdiction of office
Senior Magistrate	area and jurisdiction of office
Senior Parliamentary Counsel	area and jurisdiction of office
Senior Partner, Price Waterhouse	area and jurisdiction of office
Senior Regional Officer	area and jurisdiction of office
Senior Superintendent of Police	area and jurisdiction of office
Senior Superintendent of Correctional Services	area and jurisdiction of office
Sergeant of Police	area and jurisdiction of office
Station Commander	area and jurisdiction of office

Surveyor General	area and jurisdiction of office
Superintendent of Correctional Services	area and jurisdiction of office
Superintendent of Police	area and jurisdiction of office
Swaziland Electricity Board Manager	area and jurisdiction of office
Swaziland Fruit Canners (Pty) Ltd Human Resource Manager	area and jurisdiction of office
Swaziland National Provident Fund Senior Manager Human Resources	area and jurisdiction
Swaziland National Provident Fund Senior Manager Corporate Services	area and jurisdiction
Teba Representative in any region	area and jurisdiction of office
Teba Clerk In Charge – Mbabane	area and jurisdiction of office
Town Clerk/Chief Executive Officer, City Council of Mbabane	area and jurisdiction of office
Town Clerk to Council/City Secretary, City Council of Mbabane	area and jurisdiction of office
Training Manager, Sappi	area and jurisdiction of office
Under Secretary in a Ministry	area and jurisdiction of office
Vice Chancellor, University of Swaziland	area and jurisdiction of office

[Amended P.18/1962; L.N.35/1972; L.N.58/1994; L.N.69/1995; L.N.51/1999; L.N.112/2000; L.N.13/2002; L.N.56/2002; L.N.102/2002; L.N.119/2002; L.N.88/2003; L.N.98/2003; L.N.43/2008; L.N.162/2008; L.N.163/2008; L.N.54/2009; L.N.118/2009; L.N.126/2009; L.N.169/2009.]