



Oaths and Evidence (Overseas Authorities and Countries) Act 1963

CHAPTER 27

ARRANGEMENT OF SECTIONS

Sections

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ELIZABETH II



1963 CHAPTER 27

An Act to authorise the administration of oaths and the performance of notarial acts by representatives of, and other persons empowered by the authorities of, countries overseas, and by representatives of Her Majesty in post overseas; and to amend the Foreign Tribunals Evidence Act 1856 and the Evidence (Foreign, Dominion and Colonial Documents) Act 1933.

[31st July 1963.]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. Any person appointed by a court or other judicial authority of any foreign country shall have power in the United Kingdom to administer oaths for the purpose of taking evidence for use in proceedings, not being criminal proceedings, carried on under the law of that country. Taking of evidence for foreign civil proceedings.

2.—(1) Where in any country or area Her Majesty has for the time being no diplomatic or consular representatives appointed on the advice of Her Government in the United Kingdom, and arrangements made on such advice are in force for the representation of interests of Her Majesty in the country or area through diplomatic or consular representatives of any other country, Her Majesty may by Order in Council provide for empowering such representatives to administer oaths and do notarial acts. Administration of oaths etc. by representatives of protecting Power.

(2) An Order under this section may prescribe the facts to be stated in the jurat by any person by whom an oath is administered by virtue of the Order; and any document purporting to have subscribed thereto the signature of any person in testimony of

any oath being administered before him, and containing in the jurat a statement of the facts required to be stated therein by the Order, shall be received in evidence without proof of the signature being the signature of that person or of the facts so stated.

Amendment of
52 & 53 Vict.
c. 10, s. 6.

3. Section 6 of the Commissioners for Oaths Act 1889 (powers of British ambassadors, ministers etc. to administer oaths) shall have effect as if the diplomatic ranks specified therein included the rank of counsellor.

Amendment
of 19 & 20
Vict. c. 113.

4.—(1) Her Majesty may by Order in Council direct that section 1 of the Foreign Tribunals Evidence Act 1856 shall apply to such international courts, tribunals, commissions of enquiry or arbitrators as may be specified in the Order; and an Order in Council under this section may apply section 2 of that Act (certificate of ambassador etc. in support of application) with such modifications as to the persons by whom a certificate under that section may be given as may be specified in the Order.

1 & 2 Geo.
5. c. 6.

(2) Where the said Act of 1856 is so extended, section 1(4) of the Perjury Act 1911 and any corresponding enactment of the Parliament of Northern Ireland shall apply accordingly.

Amendment of
23 & 24 Geo. 5.
c. 4.

5.—(1) If Her Majesty in Council is satisfied as respects any country that—

(a) there exist in that country public registers kept under the authority of the law of that country and recognised by the courts of that country as authentic records, and

(b) that the registers are regularly and properly kept,

Her Majesty may by Order in Council make in respect of that country and all or any of those registers such provision as is specified in subsection (2) of section 1 of the Evidence (Foreign, Dominion and Colonial Documents) Act 1933.

23 & 24 Geo.
5. c. 4.

(2) The foregoing subsection shall have effect in substitution for subsection (1) of the said section 1, and accordingly subsections (1) and (5) of the said section 1 are hereby repealed, in subsection (2) of that section for the words “this section” there shall be substituted “section 5 of the Oaths and Evidence (Overseas Authorities and Countries) Act 1963”, and subsection (4) of that section (interpretation of “country”) shall apply for the interpretation of the foregoing subsection as it applies for the interpretation of the said section 1; but any Order in Council made under the said section 1 and in force at the commencement of this Act shall continue in force until revoked, or as varied, by an Order in Council under this section.

Interpretation.

6.—(1) In this Act “diplomatic or consular representative” means a member of the diplomatic, consular or other foreign service of any country, and includes a person for the time being exercising diplomatic or consular functions.

(2) References in this Act to the administration of an oath shall include references to the taking of an affidavit, and references in section 2(2) of this Act shall be construed accordingly.

(3) Any power conferred by this Act to make an Order shall include power to vary or revoke the Order.

7.—(1) This Act may be cited as the Oaths and Evidence Short title and
(Overseas Authorities and Countries) Act 1963. extent.

(2) It is hereby declared that this Act extends to Northern Ireland.

(3) Her Majesty may by Order in Council direct that any provisions of this Act shall extend to the Isle of Man or any of the Channel Islands, with such adaptations or modifications as may be specified in the Order; and where any provision is so extended any Order made thereunder shall have the like extent notwithstanding that it was made before the coming into operation of the Order under this subsection, but as so extended shall have effect subject to any adaptations or modifications specified in the last-mentioned Order.

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