

## **Acting as a Commissioner of Oaths**

### **INTRODUCTION**

Kindly note that for the majority of those acting as commissioners, the appointment you hold is by virtue of your office or position (hence *ex officio*) and in particular your payclass.

There are ostensibly two functions that you would perform:-

- (i) commissioning a document; and
- (ii) certifying a document.

The legal requirements can be found in the Justice of the Peace and Commissioners of Oaths Act 16 of 1963. The following guidelines are set out to assist you:

Kindly use the stamps provided. The stamps must be kept in a safe and secure place and returned to the Legal Services and Secretariat Department should you cease to be a Commissioner of Oaths or an employee of the University.

### **Commissioning a Document**

Commissioning requires that the person (known as “the deponent”) who signs the document in your presence is the same person whose name appears on the document to be commissioned.

Therefore, you have to ascertain that the names on the identity document correspond, in its entirety, with the names on the document. The bearer of the identity document should be the same person whose photograph appears in it.

A commissioner of oaths is not entitled to charge a fee for administering the oath and is precluded in terms of Regulation 7(1) from administering “an oath or affirmation relating to a matter in which he has an interest”.

An exception to the latter would be commissioners of oaths who are not attorneys, and “whose only interests therein arises out of his employment and in the course of his duty”.

Failure to comply with this provision or any other will in all likelihood result in the document being defective and this would, in turn, and quite aside from any inconvenience, expose the University as well as the commissioner to possible legal action.

### **Recommended Procedure**

1. Satisfy yourself that the photograph in the identity document is that of the bearer (and of course the intended deponent).
2. Check that the names on the identity documents correspond with those on the document to be commissioned.

Kindly note that **any** alteration on the document **must** be initialled by both the commissioner and the deponent.

3. Ask the deponent:-
  - (a) whether he/she knows and understands the contents of the declaration;
  - (b) whether he/she has any objection to taking the prescribed oath; and
  - (c) whether he/she considers the prescribed oath to be binding on his conscience.

If the answer is in the affirmative, administer the oath as follows:-

Ask the deponent to utter the following words:

“I swear that the contents of this declaration are true, so help me God”.

If the deponent acknowledges that he/ she knows and understands the contents of the declaration but objects to taking the oath or informs you that he/she does not consider the oath to be binding on his/her conscience, then administer the affirmation. An affirmation is administered by causing the deponent to utter the following words:

“I truly affirm that the contents of this declaration are true”.

- (a) If the deponent is able to write, he/she must sign in your presence.
  - (b) If the person is unable to write, kindly refer the matter to the Legal Services as the procedure is slightly more complicated.
4. Once the deponent has signed, acknowledge his or her signature by signing as well and stamp the declaration with your commissioner of oaths stamp beneath your signature. The end of the document should look as follows:

I CERTIFY that the deponent has acknowledged that she/he knows and understands the contents of this Affidavit which was signed and sworn to before me at

\_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 201 , the

Regulations contained contained in Government Notice No. R1258 of 21 July 1972, as amended, having been complied with.

\_\_\_\_\_  
COMMISSIONER OF OATHS

Full name:

Commissioner of Oaths ex Officio:

Position held:

Business Address:

5. Initial each and every other page together with the deponent. It is customary to initial at the foot of the page. Kindly remember that any alteration must be initialled.

### **Certifying a Document**

The essential purpose of certifying is to guarantee that the copy presented is a true and correct replica of the original. Do not certify any document in the absence of the original.

### **Recommended Procedure**

1. Compare the copy and original and ensure that there are no alterations/amendments.
2. Stamp the copy with your certifying stamp as well as your commissioner of oaths stamp which would then resemble the following:

Certified as a true and correct copy  
of the original which bears no  
evidence of alteration by an  
unauthorised person

Full Names  
Commissioner of Oaths – *ex officio*  
Position held  
Business Address

3. Stamp the copy on the side that has the information being verified. Therefore, should a document be double sided, both sides should be certified.

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