

THE VOLUNTARY DECLARATIONS ACT

ARRANGEMENT OF SECTIONS

1. Short title.
2. Declaration substituted for oath in certain cases.
3. By-laws to authorize substitution of declaration for oath.
4. Saving as to oath of allegiance.
5. Saving as to oath, etc., in judicial proceedings.
6. Fee on oath to be paid on declaration.
7. Declaration to be in form in Schedule.
8. Justices not to administer oath unless in matter of which they have cognizance.
9. Act not to extend to oath taken by public officer.
10. Power to make declarations as to certain recitals in deeds, etc.
- 10A. Declaration made before Justice to bear official seal.
11. Under what circumstances declarations receivable in evidence.

SCHEDULE

## THE VOLUNTARY DECLARATIONS ACT

Cap. 409.  
Act  
15 of 2002,  
Sch.

[1842.]

1. This Act may be cited as the Voluntary Declarations Act. Short title.

2.—(1) In any case when by any statute made or to be made, any oath or affidavit might, but for the passing of this Act, be required to be taken or made by any person or persons on the doing of any act, matter, or thing, or for the purpose of verifying any book, entry, or return, or for any other purpose whatsoever, it shall be lawful to substitute a declaration in lieu thereof before any Justice; and every such Justice is hereby empowered to take and subscribe the same. Declaration substituted for oath in certain cases.

3. It shall be lawful for the Parish Councils of this Island, as well as the Kingston and St. Andrew Corporation, or any other body corporate authorized to administer or receive any oath or affidavit, to make by-laws or orders authorizing and directing the substitution of, or declaration in lieu of, any oath or affidavit required to be taken or made: By-laws to authorize substitution of declaration for oath.

Provided, that such by-laws and orders be not repugnant to the laws of this Island regulating such bodies corporate.

4. Nothing in this Act contained shall extend or apply to the oath of allegiance in any case in which the same now is or may be required to be taken by any person who may be appointed to any office; but such oath of allegiance shall continue to be required, and shall be administered and taken as well and in the same manner as if this Act had not been passed. Savings as to oath of allegiance.

Saving as to  
oath, etc., in  
judicial  
proceedings.

5. Nothing in this Act contained shall extend or apply to any oath, or affidavit, or affirmation, which now is or hereafter may be made or taken, or be required to be made or taken, in any judicial proceeding in any Court of Justice, or in any proceeding for or by way of summary conviction; but all such oaths, affidavits, and affirmations shall continue to be required, and to be administered, taken, and made, as well and in the same manner as if this Act had not been passed.

Fee on oath to  
be paid on  
declaration.

6. Whenever any declaration shall be made and subscribed by any person or persons under or in pursuance of the provisions of this Act, or any of them, all and every such fees or fee as would have been due and payable on the taking and making any legal oath or affidavit shall be in like manner due and payable upon making and subscribing such declaration.

Declaration to  
be in form in  
Schedule.

7. In all cases when a declaration in lieu of an oath or affidavit shall have been substituted by this Act, or by virtue of any power or authority hereby given, or when a declaration is directed or authorized to be made and subscribed under the authority of this Act, or of any power hereby given, although the same be not substituted in lieu of an oath, heretofore legally taken, such declaration, unless otherwise directed under the powers hereby given, shall be in the form prescribed in the Schedule.

Schedule.

Justices not to  
administer  
oath unless in  
matter of  
which they  
have  
cognizance.

8. It shall not be lawful for any Justice, or other person, to administer, or cause or allow to be administered, or to receive, or cause or allow to be received, any oath, affidavit, or solemn affirmation, touching any matter or thing whereof such Justice, or other person, hath not jurisdiction or cognizance by some statute in force at the time being:

Provided always that nothing herein contained shall be construed to extend to any oath, affidavit, or solemn affirmation before any Justice in any matter or thing touching the preservation of the peace, or the prosecution, trial, or punishment of offences, nor to any oath, affidavit, or solemn affirmation, which may be required by the laws of any foreign country to give validity to instruments in writing designed to be used in such foreign countries respectively.

9. Nothing in this Act contained shall extend or apply to any oath, affidavit, or affirmation which now is or hereafter may be made or taken, or be required to be made or taken, by any public officer of this Island, upon his entering upon or during his continuance in office, but all such oaths, affidavits, and affirmations shall continue to be required, and to be administered, taken, and made, as well and in the same manner as if this Act had not been passed.

Act not to extend to oath taken by public officer.

10. It shall be lawful for any Justice, Notary Public, or other officer by law authorized to administer an oath, to take and receive the declaration of any person voluntarily making the same before him, by virtue of this Act, in proof of the recitals contained in any deed or other instrument relating to real property so far as the same relate to the birth, death or marriage, of the person making such deed, or other instrument, or of any member of the same family, or to the pedigree or possession of the person making such deed or other instrument, or any person or persons through whom he claims.

Power to make declarations as to certain recitals in deeds, etc.

10A. Every declaration made, taken or received before a Justice by virtue of this Act, shall bear the official seal of that Justice.

Declaration made before Justice to bear official seal.  
15/2002  
Sch.

## VOLUNTARY DECLARATIONS

Under what  
circumstances  
declarations  
receivable in  
evidence.

11. Every declaration so made, if recorded within six months of the making of the same in the Record Office, shall in all actions and suits (in the event of the person making the same being dead or presumably dead) be received in evidence in proof of the recitals aforesaid, as if the person or persons making the same had appeared and sworn or affirmed the matters contained in such declaration *viva voce* in open Court:

Provided that in every such declaration there shall be expressed the age, or supposed age, and addition of the person making such declaration, and the particular place of his abode.

## VOLUNTARY DECLARATIONS

7

## SCHEDULE

I, *A.B.*, do solemnly and sincerely declare that  
and I make this solemn declaration conscientiously believing the same  
to be true, and by virtue of the Voluntary Declarations Act.

Declaration.  
(Section 7).

Taken and acknowledged this \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_\_, before me

***A.B.***

***C.D.***

Justice of the Peace for  
the parish of