

**ADDENDUM**  
**to CJ's Directive No. 1 of 2016**  
**regarding duties of a Commissioner for Oaths**

A number of queries from legal practitioners followed on from the issuance of Directive No. 1 of 2016. The Directive was intended to guide lay Commissioners for Oaths. However the principles are the same for, and apply equally to, Legal Practitioners who are the holders of current practising certificates [Section 144(3) Legal Practitioners Decree 2009].

1. Where a legal practitioner is performing a legal practitioners role, charges may be levied. Where the function carried out by a legal practitioner is that of a Commissioner for Oaths, no charges are applicable. The question to be asked therefore is “what function am I performing?”
2. No charges should be levied for performing the quasi-judicial role of taking a deponent's evidence by way of affidavit and by signing the jurat. That role is one performed when wearing the hat of a Commissioner for Oaths. The same will apply for a statutory declaration.
3. Assisting a witness to **draft** an affidavit which will be sworn before another Commissioner is lawyers work only for which a charge can properly be made by a legal practitioner.

4. **Certifying** that a document is a true copy of its original is Commissioners work, not that of a legal practitioner, for which no charge can be made when performed by a legal practitioner.
  
5. The preparation and drafting of bank documents, such as transfers, bills of sale, mortgages, charges, debentures, guarantees, and the like, and necessary solicitors counter-signatures is legal practitioners work for which a legal practitioner may charge.
  
6. If the deponent is known personally to the Commissioner for Oaths, where the Commissioner is also a legal practitioner, there is no requirement that proof of identification be sought beforehand.

DATED this 15<sup>th</sup> day of September 2016.



A.H.C.T. Gates

**Chief Justice**