**4.** This Act may be cited as the Public Libraries Acts Amendment Act, 1889, and this Act and the Public Libraries (England) Acts, 1855 to 1887, shall be read and construed together as one Act, and may be cited together as the Public Libraries (England) Acts, 1855 to 1889. Short title.

## CHAPTER 10.

### An Act for amending and consolidating enactments relating to the administration of Oaths. [31st May 1889.]

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.**—(1.) The Lord Chancellor may from time to time, by commission signed by him, appoint persons being practising solicitors or other fit and proper persons to be commissioners for oaths, and may revoke any such appointment. Appointment and powers of commissioners for oaths.

(2.) A commissioner for oaths may, by virtue of his commission, in England or elsewhere, administer any oath or take any affidavit for the purposes of any court or matter in England, including any of the ecclesiastical courts or jurisdictions, matters ecclesiastical, matters relating to applications for notarial faculties, and matters relating to the registration of any instrument, whether under an Act of Parliament or otherwise, and take any bail or recognizance in or for the purpose of any civil proceeding in the Supreme Court, including all proceedings on the revenue side of the Queen's Bench Division.

(3.) Provided that a commissioner for oaths shall not exercise any of the powers given by this section in any proceeding in which he is solicitor to any of the parties to the proceeding, or clerk to any such solicitor, or in which he is interested.

**2.** Every person who, being an officer of or performing duties in relation to any court, is for the time being so authorised by a judge of the court, or by or in pursuance of any rules or orders regulating the procedure of the court, and every person directed to take an examination in any cause or matter in the Supreme Court, shall have authority to administer any oath or take any affidavit required for any purpose connected with his duties. Powers of certain officers of court, &c. to administer oaths.

**3.**—(1.) Any oath or affidavit required for the purpose of any court or matter in England, or for the purpose of the registration of any instrument in any part of the United Kingdom, may be taken or made in any place out of England before any person having authority to administer an oath in that place. Taking of oaths out of England.

(2.) In the case of a person having such authority otherwise than by the law of a foreign country, judicial and official notice shall be taken of his seal or signature affixed, impressed, or subscribed to or on any such oath or affidavit.

Appointment of persons to administer oaths for prize proceedings.

**4.** The Lord Chancellor may, whenever it appears to him necessary to do so, authorise any person to administer oaths and take affidavits for any purpose relating to prize proceedings in the Supreme Court, whilst that person is on the high seas or out of Her Majesty's dominions, and it shall not be necessary to affix any stamp to the document by which he is so authorised.

Jurat to state where and when oath is taken.

**5.** Every commissioner before whom any oath or affidavit is taken or made under this Act shall state truly in the jurat or attestation at what place and on what date the oath or affidavit is taken or made.

Powers as to oaths and notarial acts abroad.

**6.**—(1.) Every British ambassador, envoy, minister, chargé d'affaires, and secretary of embassy or legation exercising his functions in any foreign country, and every British consul-general, consul, vice-consul, acting consul, pro-consul, and consular agent exercising his functions in any foreign place may, in that country or place, administer any oath and take any affidavit, and also do any notarial act which any notary public can do within the United Kingdom; and every oath, affidavit, and notarial act administered, sworn, or done by or before any such person shall be as effectual as if duly administered, sworn, or done by or before any lawful authority in any part of the United Kingdom.

(2.) Any document purporting to have affixed, impressed, or subscribed thereon or thereto the seal and signature of any person authorised by this section to administer an oath in testimony of any oath, affidavit, or act being administered, taken, or done by or before him, shall be admitted in evidence without proof of the seal or signature being the seal or signature of that person, or of the official character of that person.

Perjury.

**7.** Whoever wilfully and corruptly swears falsely in any oath or affidavit taken or made in accordance with the provisions of this Act, shall be guilty of perjury in every case where if he had so sworn in a judicial proceeding before a court of competent jurisdiction he would be guilty of perjury.

Forgery.

**8.** Whoever forges, counterfeits, or fraudulently alters the seal or signature of any person authorised by or under this Act to administer an oath, or tenders in evidence, or otherwise uses, any affidavit having any seal or signature so forged or counterfeited or fraudulently altered, knowing the same to be forged, counterfeited, or fraudulently altered, shall be guilty of felony, and liable on conviction to penal servitude for any term not exceeding seven years and not less than five years, or to imprisonment with or without hard labour for any term not exceeding two years.

Trial of offences.

**9.** Any offence under this Act, whether committed within or without Her Majesty's dominions, may be inquired of, dealt with,

tried, and punished in any county or place in the United Kingdom in which the person charged with the offence was apprehended or is in custody, and for all purposes incidental to or consequential on the trial or punishment the offence shall be deemed to have been committed in that county or place.

Impounding of documents.

**10.** Where any offence under this Act is alleged to have been committed with respect to any affidavit, a judge of any court before which the affidavit is produced may order the affidavit to be impounded and kept in such custody and for such time and on such conditions as he thinks fit.

Definitions.

**11.** In this Act, unless the context otherwise requires,—

"Oath" includes affirmation and declaration:

"Affidavit" includes affirmation, statutory or other declaration, acknowledgment, examination, and attestation or protestation of honour:

"Swear" includes affirm, declare, and protest:

"Supreme Court" means the Supreme Court of Judicature in England.

Repeal.

**12.** The enactments specified in the schedule to this Act are hereby repealed to the extent specified in that schedule.

Provided that this repeal shall not affect—

(*a.*) anything done or suffered under any enactment repealed by this Act; nor

(*b.*) any appointment made under or authority given by or in pursuance of any enactment so repealed; nor

(*c.*) any punishment incurred or to be incurred in respect of any offence committed before the commencement of this Act against any enactment so repealed; nor

(*d.*) any legal proceeding for enforcing any such punishment;

and any such legal proceeding may be instituted or continued and any such punishment may be imposed as if this Act had not been passed.

Commissions issued before commencement of Act.

**13.** A commissioner authorised before the commencement of this Act to administer oaths in the Supreme Court shall be deemed to be a commissioner for oaths within the meaning of this Act.

Commencement.

**14.** This Act shall commence and come into operation on the first day of January one thousand eight hundred and ninety.

Short title.

**15.** This Act may be cited as the Commissioners for Oaths Act, 1889.

## SCHEDULE.

A description or citation of a portion of an Act is inclusive of the words, sections, or other parts, first and last mentioned, or otherwise referred to as forming the beginning, or as forming the end respectively, of the portion comprised in the description or citation.

| Session and Chapter. | Title. | Extent of Repeal. |
|---|---|---|
| 16 & 17 Chas. 2. c. 9. | An Act to empower the Chancellor of the duchy to grant commissions for taking affidavits within the duchy liberty. | The whole Act. |
| 17 Geo. 2. c. 7. - | An Act for taking and swearing affidavits to be made use of in any of the courts of the county palatine of Lancaster. | The whole Act. |
| 4 Geo. 3. c. 21. - | An Act for taking and swearing affidavits to be made use of in any of the courts of the county palatine of Durham. | The whole Act. |
| 6 Geo. 4. c. 87. - | An Act to regulate the payment of salaries and allowances to British consuls at foreign ports, and the disbursements at such ports for certain public purposes. | Section twenty. |
| 3 & 4 Will. 4. c. 42. - | An Act for the further amendment of the law and the better advancement of justice. | Section forty-two. |
| 4 & 5 Will. 4. c. 42. - | An Act to facilitate the taking of affidavits and affirmations in the court of the Vice Warden of the Stannaries of Cornwall. | The whole Act. |
| 2 & 3 Vict. c. 58. - | An Act to make further provision for the administration of justice and for improving the practice and proceedings in the courts of the Stannaries of Cornwall. | Section six from "and that any "commissioner." |
| 5 & 6 Vict. c. 103. - | An Act for abolishing certain offices of the High Court of Chancery in England. | Sections seven and eight. |
| 6 & 7 Vict. c. 82. - | An Act the title of which begins with the words "An "Act for extending," and ends with the words "exa- "mination of witnesses." | Sections one to four. |
| 11 & 12 Vict. c. 10. - | An Act for empowering certain officers of the High Court of Chancery to administer oaths and take declarations and affirmations. | The whole Act. |
| 15 & 16 Vict. c. 76. - | The Common Law Procedure Act, 1852. | Section twenty-three. |
| 15 & 16 Vict. c. 86. - | An Act to amend the practice and course of proceeding in the High Court of Chancery. | Sections twenty-two, twenty-three, and twenty-four. |
| 16 & 17 Vict. c. 70. - | The Lunacy Regulation Act, 1853. | Section fifty-seven. |

| Session and Chapter. | Title. | Extent of Repeal. |
|---|---|---|
| 16 & 17 Vict. c. 78. - | An Act relating to the appointment of persons to administer oaths in Chancery, and to affidavits made for purposes connected with registration. | The whole Act. |
| 17 & 18 Vict. c. 78. - | The Admiralty Court Act, 1854. | Section six from "and any examiner" to the end of the section.<br>Sections seven to eleven. |
| 18 & 19 Vict. c. 42. - | An Act to enable British diplomatic and consular agents abroad to administer oaths and do notarial acts. | The whole Act. |
| 18 & 19 Vict. c. 134. | An Act the title of which begins with the words "An "Act to make further pro- "vision," and ends with the words "leasing and sale "thereof." | Section fifteen. |
| 20 & 21 Vict. c. 77. - | An Act to amend the law relating to probates and letters of administration in England. | Section twenty-seven to "Provided that" and from "and any "person who" to end of section. |
| 21 & 22 Vict. c. 95. - | An Act to amend the Act of the twentieth and twenty-first Victoria, chapter seventy-seven. | Sections thirty to thirty-four. |
| 21 & 22 Vict. c. 108. | An Act to amend the Act of the twentieth and twenty-first Victoria, chapter eighty-five. | Sections twenty to twenty-three. |
| 22 Vict. c. 16. - | An Act the title of which begins with the words "An "Act to enable," and ends with the words "of the Ex- "chequer." | The whole Act except section five. |
| 28 & 29 Vict. c. 104. | The Crown Suits, &c. Act, 1865. | Sections eighteen, nineteen, forty-three, and forty-four. |
| 32 & 33 Vict. c. 38. - | The Bails Act, 1869 - - | The whole Act. |
| 40 & 41 Vict. c. 25. - | The Solicitors Act, 1877 - | Section eighteen. |

## CHAPTER 11.

### An Act to regulate the Sale of Horseflesh for Human Food. [24th June 1889.]

WHEREAS it is desirable to make regulations with respect to the sale of horseflesh for human food:

Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and