

**CHAPTER 15**

**OATHS AND STATUTORY DECLARATIONS ACT**

SUBSIDIARY LEGISLATION

---

*List of Subsidiary Legislation*

	<i>Page</i>
1. Oaths and Statutory Declarations Rules.....	11

---

---



Rules of Court under section 6

**OATHS AND STATUTORY DECLARATIONS RULES**

[Cap. 20 (1948), Sub. Leg. L.N. 374/1956, L.N. 320/1957, L.N. 37/1974, L.N. 113/1980, L.N. 117/1983.]

1. These Rules may be cited as the Oaths and Statutory Declarations Rules.
2. An advocate who has practised in Kenya for not less than three years may apply to the Chief Justice to be appointed a commissioner for oaths.
3. All applications under rule 2 shall be in writing, shall state the period during which the applicant has practised in Kenya and the date upon which his name was entered upon the Roll of Advocates, and shall be accompanied by a certificate signed by two other practising advocates and two householders to the effect that the applicant is a fit and proper person to be so appointed.
4. Applications shall be lodged with the Registrar of the High Court, who shall notify the applicant of the decision of the Chief Justice thereon.
5. On an advocate paying the prescribed fees and signing the Roll of Commissioners, a commission shall be issued to him in the form in the First Schedule.
6. A commissioner for oaths shall be entitled to charge fees in accordance with those prescribed in the Second Schedule in respect of the matters therein mentioned.
7. A commissioner for oaths before administering an oath must satisfy himself that the person named as the deponent and the person before him are the same, and that such person is outwardly in a fit state to understand what he is doing.
8. The power to revoke a commission conferred by section 2 of the Act shall not be exercised until the commissioner whose conduct is in question has been given an opportunity of being heard against any such order of revocation.
9. All exhibits to affidavits shall be securely sealed thereto under the seal of the commissioner, and shall be marked with serial letters of identification.
10. The forms of jurat and of identification of exhibits shall be those set out in the Third Schedule.

FIRST SCHEDULE

[Rule 5.]

OATHS AND STATUTORY DECLARATIONS ACT

A COMMISSION

*TO ALL TO WHOM THESE PRESENTS MAY COME GREETING*

Be it known that on the ..... day of ....., 20 ....., X.Y.Z., an Advocate of the High Court, has been appointed to be a Commissioner for Oaths under the above-mentioned Act for so long as he continues to practise as such Advocate and this Commission is not revoked.

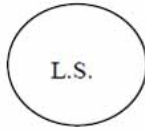
Given under my hand and the Seal of the Court this ..... day of ....., 20 .....

Oaths and Statutory Declarations

[Subsidiary]

FIRST SCHEDULE—continued

Chief Justice



SECOND SCHEDULE

[Rule 6, L.N. 117/1983, s. 2.]

FEES

	<i>KSh.</i>	<i>cts.</i>
1. For taking an affidavit or declaration .....	17	50
2. For every exhibit thereto .....	6	50
3. For attending to administer an oath or affirmation or to take a declaration elsewhere than at the office of the commissioner, in addition to the ordinary fee thereon, for every quarter-hour or part thereof .....	85	00
4. For attending to administer an oath or to take a declaration outside of the town of the commissioner's practice .....		

Fee at the same rate and allowance as an advocate may charge for a journey from home.

THIRD SCHEDULE

[Rule 10.]

FORM OF JURAT

Sworn \_\_\_\_\_ before me .....

Declared \_\_\_\_\_

this ..... day of ....., 20 ....., at .....

Commissioner for Oaths

FORM OF IDENTIFICATION OF EXHIBIT

This is the exhibit marked "....." referred to in the annexed affidavit of .....

.....

.....

THIRD SCHEDULE—*continued*

Sworn before me .....  
Declared  
this ..... day of ....., 20 ....., at .....

.....  
*Commissioner for Oaths*

\_\_\_\_\_