

**CHAPTER 15**

**THE OATHS AND STATUTORY DECLARATIONS ACT**

SUBSIDIARY LEGISLATION

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*List of Subsidiary Legislation*

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**THE COMMISSIONERS FOR OATHS (FEES ON AFFIDAVITS) RULES**

[Legal Notice 374 of 1956, Legal Notice 320 of 1957, Legal Notice 37 of 1974, Legal Notice 113 of 1980, Legal Notice 117 of 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.

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FIRST SCHEDULE

[r. 5]

A COMMISSION

OATHS AND STATUTORY DECLARATIONS ACT

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 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

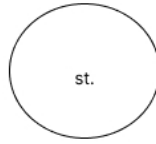
Given under my hand and the Seal of the the Court this ..... day of ....., 20 .....

.....

Chief Justice

Oaths and Statutory Declarations

[Subsidiary]



SECOND SCHEDULE

[r. 6]

FEES

[L.N. 117/1983, r. 2.]

		<b>KSh.</b>	<b>cts.</b>
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

[r. 10]

FORM OF JURAT

Sworn Before me ..... this ..... day of ....., 20 .....

Declared

.....  
*Commissioner for Oaths*

**FORM OF IDENTIFICATION OF EXHIBIT**

*Oaths and Statutory Declarations*

[Subsidiary]

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

.....  
.....

Sworn before me .....

Declared

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

at .....

.....

*Commissioner for Oaths*

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