

GOVERNMENT NOTICE NO. 71 OF 1964

DELEGATION OF POWERS — THE MEDICAL, DENTAL
AND PHARMACY PROCLAMATION

In exercise of the powers conferred on me by section *three* of the Deputy Resident Commissioner Proclamation No. 39 of 1949, I hereby delegate to the Permanent Secretary for Health the powers conferred on me by sections 4(2) (b), 6 and 11 of the Medical, Dental and Pharmacy Proclamation.

G.M. Hector
ACTING RESIDENT COMMISSIONER

Maseru.
26th June, 1964.

GOVERNMENT NOTICE NO. 72 OF 1964

CHANGE OF TITLE OF PUBLIC OFFICE —
DEPARTMENT OF PUBLIC HEALTH

(Made under section *eleven* of the General
Interpretation Proclamation).

The High Commissioner hereby declares that the title of Director of Medical Services has been changed to that of Permanent Secretary for Health with effect from the nineteenth day of June, 1964.

By Command of His Excellency
the High Commissioner

J.A. Steward
For DEPUTY HIGH COMMISSIONER

HIGH COMMISSIONER'S OFFICE,
CAPE TOWN.
19th June, 1964.

GOVERNMENT NOTICE NO. 80 OF 1964.

OATHS AND DECLARATIONS REGULATIONS, 1964.

Under Section 8 of the Justices of the Peace and
Commissioners of Oaths Proclamation.

It is notified for general information that in exercise of the powers conferred on him by section *eight* of the Justices of the Peace and Commissioners of Oaths Proclamation, the High Commissioner in Council has made the following regulations.

Short Title and Application.

1. (1) These regulations may be cited as the Oaths and Declarations Regulations, 1964.

(2) These regulations shall apply with regard to the form and manner in which oaths and declarations shall be taken when not prescribed by any other law.

(3) Where a particular form or manner of oath or declaration is prescribed by any other law, that form or manner shall be adopted.

Interpretation.

2. In these regulations, unless the context otherwise requires —

“affidavit” includes a declaration, deposition or other document containing a statement or facts to the truth of which the deponent swears or affirms;

“attest” includes the administration of an oath or affirmation and the certificate that this has been duly done in accordance with these regulations;

“deponent” means the person making the statements contained in the affidavit.

When Affirmation may be made in place of Oath.

3. Except where otherwise provided by any other law an affidavit shall be made on oath unless the person desiring to

make the same is not able to understand the nature or recognise the religious obligation of an oath or has religious or conscientious objections to taking an oath, in any of which cases the affidavit may be made on affirmation.

Form of Oath, Affirmation, etc.

4. (1) The form of words to be used in an affidavit which is sworn on oath shall be —

"I, _____ of _____ (setting out the name, address and description of the deponent) make oath and say as follows —".

- (2) In administering an oath the commissioner of oaths shall require the person making the oath to —

- (a) raise the first two fingers of the right hand and utter the words "I swear that the contents of this affidavit are true so help me God"; or
- (b) follow such other practice or formula as the commissioner of oaths is satisfied conveys to such person most clearly the meaning thereof and which such person considers to be binding on his conscience:

Provided that a note setting out the practice or formula followed shall be made on the affidavit.

- (3) The form of words to be used in an affidavit which is affirmed shall be —

"I, _____ of _____ (setting out the name, address and description of the deponent) solemnly, sincerely and truly affirm and declare that the taking of any oath is contrary to my religious/conscientious* belief and I also solemnly, sincerely and truly affirm and declare as follows —":

Provided that in cases where the deponent is unable to understand the nature of an oath the earlier declaration shall be omitted and the Commissioner shall cause the deponent to certify at the foot of the affidavit to that effect.

- (4) In administering an affirmation, the commissioner of oaths shall cause the deponent to raise his right hand and utter the words "I solemnly, sincerely and truly affirm and declare that the contents of this affidavit are true."

* Strike out whichever is not applicable.

- (5) The deponent shall, after making the oath or affirmation, affix his usual signature in his own hand-writing on the affidavit in the presence of the commissioner of oaths.

- (6) If the deponent cannot write he shall affix his mark in his own hand on the affidavit or solemn or attested declaration in the presence of the commissioner of oaths:

Provided that the commissioner of oaths shall require the fact of such deponent's inability to write to be certified at the foot of the affidavit or solemn or attested declaration by some other trustworthy person if he has any doubt as to such inability.

- (7) The signature or mark affixed by the deponent to an affidavit or a solemn or attested declaration shall, until the contrary is proved, be deemed to have been affixed in the presence of the commissioner of oaths attesting that affidavit or declaration.

Duties of Commissioner of Oath.

5. (1) No commissioner of oaths is required to attest an affidavit which is in a language which is not understood by him.

- (2) Before attesting an affidavit the commissioner of oaths shall ask the deponent whether he knows and understands the contents of the affidavit and if his answer is in the affirmative the commissioner of oaths shall —

- (a) certify below the deponent's signature or mark that the deponent has acknowledged that he knows and understands the contents of the affidavit;
- (b) thereafter set forth, in writing, the manner, place and date of attestation of the affidavit; and
- (c) sign the affidavit by affixing his usual signature in his own handwriting over his designation and shall state below his designation the area in respect of which he holds his appointment as well as the office held by him if he holds his appointment *ex officio*:
Provided that —

- (i) if the deponent is unable to read the affidavit the commissioner of oaths shall, before attesting it, cause the affidavit to be read over to the deponent and shall include in his certificate a statement that he has done so;
- (ii) if the affidavit is in a language not understood by the deponent the services of an interpreter may be employed to explain the

nature and contents of the affidavit and in such case the commissioner of oaths shall include in his certificate a statement of the language in which that explanation was given and the name of the person who acted as interpreter and the interpreter shall sign such certificate in addition to the signature of the commissioner of oaths.

(3) The certificate of attestation of a commissioner of oaths may be in the form in the Schedule with such variations as the circumstances require.

When Commissioner required Attest

6. (1) If the commissioner of oaths is of opinion that the deponent does not understand the nature and contents of the affidavit by reason of infirmity of mind, intoxication or for any other cause he shall refuse to attest it.

(2) A commissioner of oaths is not required to attest an affidavit outside of business hours on business days.

(3) Subject to sub-regulation (1), a commissioner of oaths may not arbitrarily refuse to attest an affidavit but if he has considered the matter and has good ground for considering that the oath or affirmation may be false or intended for an improper purpose, his refusal is not arbitrary.

Commissioner having interest.

7. A commissioner of oaths shall not attest any affidavit relating to a matter in which he has an interest:

Provided that for the purpose of this regulation a commissioner of oaths shall be deemed not to have an interest in any affidavit required in connection with the payment or refund of or exemption from any tax, duty or other public revenue or required for record in a Deeds Registry or otherwise for the purpose of recording —

- (a) date of birth;
- (b) nationality;
- (c) matrimonial status;
- (d) amendment of any name;
- (e) loss of any deed or document
- (f) in any court, extracts from gazettes or appraisalment of sworn appraisers.

Stamp Duties.

8. The commissioner of oaths attesting an affidavit shall ensure that the provisions of the Stamp Duties Proclamation are complied with in relation to such affidavit.

No charge.

9. No commissioner of oaths shall make any charge for administering an oath or affirmation or for attesting an affidavit.

Certificate of Attestation.

10. A certificate of attestation may be in the form set out in the Schedule with such variations as the circumstances require.

The Schedule

Form of attestation certificate.

Sworn¹/Affirmed¹/Declared¹ before me this day
of 19..... at (after having
been read over in the language through
the interpretation of the undersigned
of²)

.....
Signature of Commissioner of Oaths

.....³
Particular of appointment

1. Delete whichever is not applicable.
2. Delete words in brackets if no interpretation.
3. State area in respect of which appointment held and if, ex officio, the office held — e.g. Postmaster & Commissioner of Oaths for (area).

Interpreted to the deponent in the language
by me.

.....
Interpreter

.....
(Qualifications, if any)

By Command of His Excellency
the High Commissioner in Council.

C.K. St. J. Bird.

for PERMANENT SECRETARY FOR HOME &
EXTERNAL AFFAIRS.

GOVERNMENT NOTICE NO. 85 OF 1964

EXTENSION OF MAINTENANCE ORDERS PROCLAMATION

In exercise of the powers conferred on him by section *twelve* of the Maintenance Orders Proclamation* and of all other powers enabling him, His Excellency the acting Resident Commissioner, being satisfied that legal provision exists in the Isle of Man for the enforcement there of maintenance orders made by Courts in Basutoland, hereby extends the provisions of the Maintenance Orders Proclamation to the Isle of Man.

This notice shall come into effect on 1st September, 1964.

By Command of His Excellency the
Ag. Resident Commissioner.

Edward Waddington
Ag. Chief Secretary.

Maseru.

* page 1062 of Revised Edition.

GOVERNMENT NOTICE NO. 90 OF 1964

THE POST OFFICE PROCLAMATION, 1962
(No. 3 of 1962)

In exercise of the powers conferred by sections 3 and 4 of the Post Office Proclamation, 1962 and all other powers enabling him the Director with the concurrence and approval of the the Resident Commissioner hereby makes the following regulations —

The Post Office (Telegraph Fees and Charges) (Amendment) Regulations, 1964.

Short Title.

1. These regulations may be cited as the Post Office (Telegraph Fees and Charges) (Amendment) Regulations, 1964.

Amendment of the Post Office (Telegram fees and charges) Regulations, 1964.

2. The Post Office (Telegraph Fees and Charges) Regulations, 1964, hereinafter referred to as the principal regulations are amended by adding immediately after regulation 7 thereof the following new regulations —

"Supplementary Services.

8. (1) There shall be paid for the services set out in the Fifth Schedule, the charges specified against each service in the schedule.

(2) The charges specified in sub-regulation (1) are applicable in respect of both inland and overseas telegrams.

Radio Telegrams.

9. The charges for telegrams despatched by radio to ships at sea shall be as follows —

CLASS	RATE PER WORD
	C
Ordinary — via South African Coastal Stations	16
Ordinary — via Portuguese East African Coastal Stations	29
Coastal Rate and Radiotelephone Telegrams	9