



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS MADE IN TERMS OF

**Justices of the Peace and
Commissioners of Oaths Act 16 of 1963**
section 10

**Regulations governing the Administering
of an Oath or Affirmation**

Government Notice R.1258 of 1972

[\(RSA GG 3619\)](#)

came into force on date of publication: 21 July 1972

Regulation 8 withdraws Government Notice R.1206/1961, dated 15 December 1961.

as amended by

Government Notice R.1648 of 1977 [\(RSA GG 5716\)](#)

came into force on 1 September 1977 (GN R.1648/1977);

amendment made prior to date of transfer

Government Notice R.1428 of 1980 [\(RSA GG 7119\)](#)

came into force on date of publication: 11 July 1980

amendment made after date of transfer, but states that it is made with the consent
of the Administrator-General for the Territory of South West Africa
and shall also apply in the Territory

In South Africa, the regulations were further amended by RSA GN R.774/1982 [\(RSA GG 8169\)](#),
which came into force on the date of publication (23 April 1982) and deleted regulation 5.

However, this amendment was made after the date of transfer and
was *not* made expressly applicable to South West Africa.

1. (1) An oath is administered by causing the deponent to utter the following words:
“I swear that the contents of this declaration are true, so help me God”.

(2) An affirmation is administered by causing the deponent to utter the following words:
“I truly affirm that the contents of this declaration are true”.

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2. (1) Before a commissioner of oaths administers to any person the oath or affirmation prescribed by regulation 1 he shall ask the deponent -

- (a) whether he knows and understands the contents of the declaration;
- (b) whether he has any objection to taking the prescribed oath; and
- (c) whether he considers the prescribed oath to be binding on his conscience.

(2) If the deponent acknowledges that he knows and understands the contents of the declaration and informs the commissioner of oaths that he does not have any objection to taking the oath and that he considers it to be binding on his conscience the commissioner of oaths shall administer the oath prescribed by regulation 1(1).

(3) If the deponent acknowledges that he knows and understands the contents of the declaration but objects to taking the oath or informs the commissioner of oaths that he does not consider the oath to be binding on his conscience the commissioner of oaths shall administer the affirmation prescribed by regulation 1(2).

3. (1) The deponent shall sign the declaration in the presence of the commissioner of oaths.

(2) If the deponent cannot write he shall in the presence of the commissioner of oaths affix his mark at the foot of the declaration: Provided that if the commissioner of oaths has any doubt as to the deponent's inability to write he shall require such inability to be certified at the foot of the declaration by some other trustworthy person.

4. (1) Below the deponent's signature or mark the commissioner of oaths shall certify that the deponent has acknowledged that he knows and understands the contents of the declaration and he shall state the manner, place and date of taking the declaration.

- (2) The commissioner of oaths shall -
- (a) sign the declaration and print his full name and business address below his signature; and
 - (b) state his designation and the area for which he holds his appointment or the office held by him if he holds his appointment *ex officio*.

[subregulation (2) substituted by GN R.1648/1977]

5. A commissioner of oaths shall not attest any declaration unless the revenue stamps required by law in respect of such declaration have been affixed thereto.

6. A commissioner of oaths shall not charge any fee for administering any oath or affirmation or attesting any declaration.

7. (1) A commissioner of oaths shall not administer an oath or affirmation relating to a matter in which he has an interest.

(2) Subregulation (1) shall not apply to an affidavit or a declaration mentioned in the Schedule.

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8. Government Notice R.1206, dated 15 December 1961, is hereby withdrawn.

SCHEDULE

DECLARATIONS EXEMPTED
FROM THE PROVISIONS OF REGULATION 7(1)

[Schedule substituted by GN R.1428/1980]

1. A declaration taken by an attorney which
 - (a) is required for the obtaining of registration in a deeds registry referred to in section 1(1) of the Deeds Registries Act, 1937 (Act 47 of 1937);
 - (b) should be furnished to a Minister or an administrator or an officer in the service of the State (including a provincial administration, the South African Railways and Harbours and the Department of Posts and Telecommunications), or to someone who is an officer or employee of the Government Service referred to in section 2 of the Government Service Act, 1980 (Act 2 of 1980), of the National Assembly of South-West Africa.

**[The Government Service Act 2 of 1980 has been replaced by the Public Service Act 13 of 1995.
The Deeds Registries Act 47 of 1937 has been replaced by the Deeds Registries Act 14 of 2015.]**

2. A declaration taken by a commissioner of oaths who is not an attorney and whose only interest therein arises out of his employment and in the course of his duty.