

**DRAFT AFFIDAVITS (ADVOCATES AND  
SOLICITORS (JERSEY) LAW 199**

**Lodged au Greffe on 19th November 1991  
by the Legislation Committee**

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**STATES OF JERSEY**

**STATES GREFFE**

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**Explanatory Note**

**The purpose of this draft Law is to extend to advocates and solicitors of the Royal Court the power to take affidavits for the purposes of any proceeding in any court or statutory body in Jersey.**

**AFFIDAVITS (ADVOCATES AND SOLICITORS)  
(JERSEY) LAW 199**

**A LAW** to extend to advocates and solicitors of the Royal Court the power to take affidavits, sanctioned by Order of Her Majesty in Council of the

(Registered on the \_\_\_\_\_ day of \_\_\_\_\_ 199 )

**STATES OF JERSEY**

The \_\_\_\_\_ day of \_\_\_\_\_ 199

**THE STATES**, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law -

**ARTICLE 1**

**Power to take affidavits**

(1) An advocate or solicitor of the Royal Court may take an affidavit for the purposes of a proceeding in a court or before a statutory body in the Bailiwick.

(2) An affidavit taken under this Article by an advocate or solicitor shall be signed by the person making the affidavit (hereinafter referred to as "the deponent") in the presence of the advocate or solicitor taking it who, before he signs the jurat, shall -

- (a) satisfy himself of the genuineness of the signature of the deponent; and
- (b) administer the oath or affirmation in the manner required by law.

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(3) An advocate or solicitor taking an affidavit under this Article shall -

(a) state in the jurat at what place and on what date the affidavit is taken; and

(b) add after his signature the word "advocate" or "solicitor" as the case may be.

(4) An advocate or solicitor who is personally responsible for the conduct of any proceeding shall not take an affidavit in connexion with that proceeding.

(5) An affidavit containing a jurat purporting to be signed by an advocate or solicitor shall be admitted in evidence without proof -

(a) of the signature; or

(b) that he is an advocate or solicitor, as the case may be.

ARTICLE 2

Offences

(1) A person who, in a proceeding in a court or before a statutory body, files or otherwise uses an affidavit purportedly made under this Law knowing that it was not taken in conformity with this Law is guilty of an offence and shall be liable to imprisonment for a term not exceeding two years or a fine, or both.

(2) Where an offence under this Law is alleged to have been committed with respect to an affidavit, a judge of any court or the presiding officer of any statutory body in or before which the affidavit is produced may order it to be impounded and kept in such custody and for such time and on such conditions as he thinks fit.

(3) An advocate or solicitor who signs a jurat to an affidavit purportedly made under this Law without the due

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administration to the deponent of an oath or affirmation is guilty of an offence and shall be liable to a fine.

(4) A person who knowingly and wilfully aids, abets, counsels, causes, procures or commands the commission of an offence under this Law shall be liable to be dealt with, tried and punished as a principal offender.

**ARTICLE 3**

**Citation**

This Law may be cited as the Affidavits (Advocates and Solicitors) (Jersey) Law 199.