Practice Direction No.3 of 1994

COMMISSIONERS FOR OATHS

1. By Section 9 of the Law Practitioners Act, I may appoint law practitioners as Commissioners for Oaths.

2. Any person who holds a current practicing certificate may apply but I shall not give commissions to unqualified and locally qualified practitioners except in special circumstances which should be stated in the application.

3. Section 9(4) of the Act refers to the provisions of section 88(1) of the Magistrates' Court Act. That was the section in the 1967 Laws of Tonga and should now be read as a reference to section 93(1) of the 1988 Laws. It applies in all cases.

4. In addition to the provisions of that section, all affidavits must be subscribed with the following declaration by the Commissioner:

    "Read over by me in the .... language with which I have ascertained the deponent is familiar"

    and signed by the

    Commissioner separately from the jurat.

5. It is the duty of the Commissioner to ensure the deponent understands the nature of both the document he is signing and its contents. If he has any doubt about the state of the deponent's knowledge, he may still attest the document but should add a note to that effect.

6. Special care must be taken with deponents who are old, infirm or suffering from any disability.

7. Every Commissioner when he acts as such must affix his seal to the document he is attesting. From 1st April 1994 no affidavit attested by a Commissioner will be accepted without the Commissioner's seal.

8. The seal shall be a circular stamp not more than 5 centimeters in diameter in the form shown below. The style of print is optional but the practitioner's name and the town in which his principal office is located should be in the top portion in the same print as the remainder.

SIONE TUPOU
NUKU'ALOFA

TONGA

COMMISSIONER FOR OATHS

9. Practitioners fluent in the Tongan language may use the form of seal below subj*
    to the same conditions as in paragraph 8 above:

TONGA

COMMISSIONER FOR OATHS
KOE KOMISIONA KI HE FUAKAVA

10. This direction applies with such modifications as are necessary to the taking *
    declarations.

                                                            Gordon Ward
                                                            CHIEF JUSTICE