

## ACT 389

## STATUTORY DECLARATIONS ACT, 1971

## ARRANGEMENT OF SECTIONS

## SECTION

1. Restriction on use of affidavits.
2. Use of statutory declarations.
3. Form of statutory declaration.
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7. Repeals.

## ACT 389

STATUTORY DECLARATIONS ACT, 1971<sup>1</sup>

**AN ACT to provide for the making of statutory declarations and for related matters.**

**1. Restriction on use of affidavits**

(1) After the commencement of this Act, an affidavit shall not be sworn for a purpose, except

- (a) where it relates to a proceeding, an application or any other matter commenced in a Court or referable to a Court, or
- (b) where under an enactment an affidavit is authorised to be sworn.

(2) For the purposes of subsection (1), “**Court**” means a court of competent jurisdiction.

**2. Use of statutory declarations**

(1) Where section 1 does not apply, a person wishing to depose to a fact for a purpose may do so by means of a statutory declaration.

(2) Where a person has sworn to an affidavit for a purpose other than a purpose referred to in section 1, the affidavit is nevertheless for all purposes a statutory declaration.

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<sup>1</sup> The Act was assented to on 1st December, 1971

**3. Form of statutory declaration**

A statutory declaration shall be made in the following form:

"I, .....

(full names and address)

solemnly and sincerely declare that .....

.....

and I make this solemn declaration conscientiously believing it to be true, in accordance with the Statutory Declarations Act, 1971."

**4. Procedure for making statutory declaration**

A Magistrate, notary public, commissioner for oaths and any other person authorised by law to administer an oath may take and receive the statutory declaration of a person voluntarily making it and the Magistrate, notary public, commissioner for oaths or that other person shall personally certify and also sign the declaration.

**5. Offence**

A person who makes a statutory declaration knowing it to be false in a material particular, or who makes a declaration which is false in a material particular, or reckless whether it is true or not, commits a misdemeanour.

**6. Fees**

The fees payable on the taking of an affidavit are the fees payable on the making of a statutory declaration.

**7. Repeals**

*Spent.*<sup>2</sup>

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2. The section provided that,

"(1) The Statutory Declarations Act, 1835 (5 & 6 Will. IV, c. 62) shall cease to apply in Ghana, and accordingly the reference to that Act in the First Schedule to the Courts Act, 1971 is hereby repealed.

(2) Section 11 (2) of the Oaths Act, 1960 (C.A. 12) is hereby repealed."