

ACT 389
STATUTORY DECLARATIONS ACT, 1971

ARRANGEMENT OF SECTIONS

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ACT 389
STATUTORY DECLARATIONS ACT, 1971(1)

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.

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.2(2)

Endnotes

1 (Popup - Footnote)

1. The Act was assented to on 1st December, 1971.

2 (Popup - Footnote)

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to apply in Ghana, and accordingly the reference to that Act in the First Schedule to the Courts Act, 1971 is hereby repealed.
- (2) Section 11 (2) of the Oaths Act, 1960 (C.A. 12) is hereby repealed.”