

PERJURY ACT

CHAPTER 10:30

Act
L.I. 5 of 1873
Amended by
19 of 1939

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**Note
on
Subsidiary Legislation**

This Chapter contains no Subsidiary Legislation.

CHAPTER 10:30**PERJURY ACT****ARRANGEMENT OF SECTIONS****SECTION**

1. Short title.
 2. Punishment of perjury and subornation of perjury.
 3. Wilful and corrupt oath or affirmation, or wilful and corrupt omission to state the truth, punishable as perjury.
 4. False affidavit made out of the State.
 5. False affidavit or declaration in respect to fire, life, or marine insurance.
 6. Court may direct person guilty of perjury to be tried therefor.
 7. All evidence in the course of a cause to be deemed material.
 8. Certificate of the Registrar sufficient evidence of the trial.
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CHAPTER 10:30

PERJURY ACT

1961 Ed.
Cap. 45.
L.I. 5 of 1873.

AN ACT to provide for the punishment of the wilful giving or procuring of false evidence and statements made on oath.

Commencement.

[21st April 1873]

Short title.

1. This Act may be cited as the –

PERJURY ACT.

Punishment of
perjury and
subornation of
perjury.

2. Any person who commits perjury or subornation of perjury is guilty of an offence and liable to such fine as the Court may impose and to imprisonment for seven years.

Wilful and
corrupt oath or
affirmation, or
wilful and
corrupt omission
to state the truth,
punishable as
perjury.

3. (1) Where by any written law, now or hereafter in force in the State, it is required or authorised that facts, matters or things be verified, or otherwise assured or ascertained by or upon the oath, affirmation, declaration or affidavit of some or any person, then any person who –

- (a) having in any such case taken or made any oath, affirmation or declaration so required or authorised, knowingly, wilfully and corruptly, upon such oath, affirmation or declaration, deposes, swears to or makes any false statement as to any such fact, matter or thing; or**
- (b) knowingly, wilfully and corruptly, upon oath or affirmation, affirms, declares or deposes to the truth of any statement for so verifying, assuring or ascertaining any such fact, matter or thing, or purporting to do so; or**
- (c) knowingly, wilfully and corruptly takes, makes, signs or subscribes any such affirmation, declaration or affidavit as to any such fact, matter or thing, such statement, affidavit, affirmation or declaration being untrue in the whole or any part thereof; or**
- (d) knowingly, wilfully or corruptly omits from any such affidavit, affirmation or declaration, sworn or made**

under the provisions of any such written law, any matter which, by the provisions of such written law, is required to be stated in such affidavit, affirmation or declaration,

is guilty of wilful and corrupt perjury.

(2) Nothing contained in subsection (1) shall affect any case amounting to perjury at the common law, or the case of any offence in respect of which other or special provision is made by any written law.

4. Any person who wilfully and corruptly makes any false affidavit, affirmation or declaration out of the State before any functionary authorised to take the same for the purpose of being used in the State, is guilty of perjury in like manner as if the false affidavit, affirmation or declaration had been made in the State before a competent authority; and such person may be dealt with, tried, indicted, and, if convicted, sentenced, and the offence may be laid and charged to have been committed in the State.

False affidavit made out of the State.

5. Any person who knowingly, wilfully and corruptly makes any affirmation, affidavit or declaration required by any fire, life or marine insurance company authorised by law to do business in the State, claiming to be entitled to any insurance money in respect of any loss of property or life insured or assured therein, or on behalf of any person making such claim, containing any false statement of fact, matter or thing in regard to such loss of property or life is guilty of wilful and corrupt perjury.

False affidavit or declaration in respect to fire, life, or marine insurance.

6. It shall be lawful for any Judge of the High Court, or for any Judge of any Court of Record, or any commissioner before whom any inquiry or trial is held and which he is by law required or authorised to hold, in case it appears to him that any person has been guilty of wilful and corrupt perjury in any evidence given, or in any affidavit, affirmation, declaration, deposition, examination, answer or other proceedings made or taken before him, to direct such person to be prosecuted for perjury in case there appears to the Judge or commissioner a reasonable cause for the prosecution, and to commit such person so directed to be prosecuted until the next term, sitting or session of any Court having power to try for perjury in the jurisdiction within which the perjury was committed, or to permit such person to enter into recognizance with one or more sufficient surety or sureties conditioned for the appearance of such person at the next term or session, and that

Court may direct person guilty of perjury to be tried therefor.

he will then surrender and take his trial and not depart the Court without leave, and to require any person the Judge may think fit to enter into a recognizance conditioned to prosecute or give evidence against such person so directed to be prosecuted as stated above.

All evidence in the course of a cause to be deemed material.

7. All evidence and proof whatsoever, whether given or made orally, or by or in any affidavit, affirmation, declaration, examination or deposition, shall be deemed and taken to be material with respect to the liability of any person to be proceeded against and punished for wilful and corrupt perjury, or for subornation of perjury.

Certificate of the Registrar sufficient evidence of the trial.

8. A certificate containing the substance and effect only (omitting the formal part) of the indictment and trial for any offence purporting to be signed by the Registrar, Clerk of the Court, or other officer having the custody of the records of the Court at which the indictment was tried or among which the indictment has been filed, or by the deputy of such Registrar, Clerk or other officer, shall, upon trial of an indictment for perjury, or subornation of perjury, be sufficient evidence of the trial of the indictment for the offence without proof of the signature or official character of the person appearing to have signed the same.
