



Institute of Commercial
Forensic Practitioners
Recognised. Respected. Regulated.

Guidance Note: Ex Officio Commissioners of Oaths – ICFP Full Members

Issued for implementation: 2 October 2025



Table of Contents

1. INTRODUCTION	3
2. PURPOSE AND SCOPE	3
3. AUTHORITY AND EFFECTIVE DATE	3
4. HOW TO PERFORM AN OATH OR AFFIRMATION	3
4.1. Physical Presence Rule and Remote Commissioning	4
4.2. Independence, Conflicts and Disqualification	4
4.3. General Requirements	4
4.4. Process: Oath/Affirmation	5
4.5. Commissioner's Certification	5
4.6. Questions to Ask the Deponent	5
4.7. Administering the Oath or Affirmation	5
4.8. Commissioner's Signature and Details	6
4.9. Important Restrictions	6
4.10. Example Certification Paragraph	7
5. HOW TO CERTIFY A DOCUMENT TO BE A TRUE COPY	7
5.1. Verification Process	7
5.2. Certification Requirements	7
5.3. Certification Wording	7
5.4. Stamp and Signature	8
6. STAMPS	8
6.1. Obtaining Stamps	8
6.2. Example Stamps	8
6.3. Administration of an Oath or Affirmation Stamp	11
7. LEGAL IMPLICATIONS	12
7.1. Invalid Affidavits	12
8. KEY REMINDERS	14
9. Stamps service provider	15



Institute of Commercial
Forensic Practitioners
Recognised. Respected. Regulated.

1. INTRODUCTION

The Institute of Commercial Forensic Practitioners (ICFP) acknowledges the need for the provision of information regarding our members' role and function as Commissioners of Oaths.

2. PURPOSE AND SCOPE

This Guidance Note consolidates the lawful process for administering oaths and affirmations and certifying copies by full members of the ICFP appointed as ex officio Commissioners of Oaths. It incorporates the appointment published in the Government Gazette and aligns with the Justices of the Peace and Commissioners of Oaths Act 16 of 1963 (the Act) and Regulations issued in terms of the Act as published in Government Gazette R1258 of 21 July 1972 (as amended) (the Regulations).

3. AUTHORITY AND EFFECTIVE DATE

3.1. **Appointment:** Full members of the ICFP in good standing are appointed ex officio as Commissioners of Oaths by notice published in the Government Gazette (Gazette No. 53438, 26 September 2025, GN 6682, under section 6 of the Act. The appointment attaches to members in good standing and lapses automatically when a members good standing ceases.

3.2. **Geographic scope:** Ex officio appointments are not limited to a geographic area. Area limitations apply only to commissioners appointed to any geographic area within the borders of the Republic.

4. HOW TO PERFORM AN OATH OR AFFIRMATION

The information below is a summary of the requirements of the Act, and serves as guidelines thereto. Please refer to the Act itself when exercising the status as ex officio Commissioner of Oaths.



4.1. Physical Presence Rule and Remote Commissioning

Commissioning must occur with the deponent signing the affidavit in the physical presence of the Commissioner of Oaths. Under Regulation 3(1), the deponent must sign in the presence of the commissioner, and the commissioner must sign thereafter. Remote or video commissioning is not permitted under the current Justices of the Peace and Commissioners of Oaths Act 16 of 1963 (the Act) and Regulations R1258 of 21 July 1972 (as amended), except where a court so directs, or in exceptional circumstances where substantial compliance can be demonstrated on affidavit.

An updated guidance note on remote/video/online commissioning will follow in due course, setting out current case law, risks and any legislative developments. Pending its publication, members must comply with Regulation 3(1) and commission only in the deponent's physical presence, unless a court expressly directs otherwise.

4.2. Independence, Conflicts and Disqualification

You must be impartial. Do not commission where any real or perceived interest exists. Examples include:

- You drafted the affidavit or you are otherwise involved as an adviser or party in the matter.
- Any financial or personal interest that could reasonably be perceived to affect your independence.

If in doubt, refer the deponent to another commissioner of oaths.

4.3. General Requirements

Any Commissioner of Oaths may administer an oath or affirmation to or take a solemn or attested declaration from any person, provided that the person is willing to make the oath or affirmation or declaration, and provided that the person is not prohibited from doing so under the Act.



4.4. Process: Oath/Affirmation

Step 1 – Examine the unsigned affidavit and identify the deponent with original ID.

Step 2 – Ask and record the three confirmations: understands contents; no objection to oath/affirmation; considers it binding on conscience (see 4.6 below).

Step 3 – Administer the oath or take the affirmation using the wording below.

Step 4 – The deponent signs each place requiring a signature in your physical presence and must further initial every page.

4.5. Commissioner's Certification

Once signed, the Commissioner of Oaths must co-initial each page of the statement/affidavit and certify by full signature on the last page, that the deponent has acknowledged that he/she knows and understands the contents of the declaration, that he/she does so of his/her own free will, and state the manner, date and place of taking the declaration.

4.6. Questions to Ask the Deponent

Before a Commissioner of Oaths administers to any person the oath or affirmation prescribed by Regulation 1 of the Act, he/she shall ask the deponent:

- Whether he/she knows and understands the contents of the declaration;
- Whether he/she has any objection to taking the prescribed oath or affirmation; and
- Whether he/she considers the prescribed oath or affirmation to be binding on his/her conscience.

4.7. Administering the Oath or Affirmation

If the deponent acknowledges that he/she knows and understands the contents and has no objection to taking the oath, the Commissioner of Oaths may administer the oath.



Should the person object to taking the oath, then an affirmation should not be administered.

An oath is administered by having the deponent to utter the following words:

"I swear that the contents of this declaration are true, so help me God"

An affirmation is administered by having the deponent to utter the following words:

"I truly affirm that the contents of this declaration are true"

The deponent shall sign the declaration in the presence of the Commissioner of Oaths.

If the deponent cannot write, he/she shall in the presence of the Commissioner of Oaths affix his/her mark at the foot of the declaration. Provided that if the Commissioner of Oaths has any doubts as to the deponent's inability to write, he/she shall require such inability to be certified at the foot of the declaration by some other trustworthy person.

4.8. Commissioner's Signature and Details

Below the deponent's signature or mark, the Commissioner of Oaths shall certify that the deponent has acknowledged that he/she knows and understands the contents of the declaration and shall state the manner, place and date of taking the declaration.

The Commissioner of Oaths shall sign the declaration and print his/her full name, business address and contact details below his/her signature and state his/her designation and office held by him/her as he/she holds his/her appointment ex officio. All of which must appear on the stamp applied by the Commissioner of Oaths.

4.9. Important Restrictions

No fee may be charged for administering any oath or affirmation or attesting any declaration.



A Commissioner of Oaths cannot administer an oath or affirmation relating to a matter in which he/she has an interest or that he/she has produced.

4.10. Example Certification Paragraph

The following is an example of the certification paragraph to be used by a Commissioner of Oaths:

"I certify that the (DEPONENT) has acknowledged that he/she knows and understands the contents of this affidavit, that he/she does not have any objection to taking the prescribed oath or affirmation, and that he/she considers it to be binding on his/her conscience, and which was sworn to, or affirmed, and signed before me at _____ on this the ____ day of _____ 20__, and that the administering of the oath or affirmation complied with the regulations contained in Government Gazette No. R1258 of 21 July 1972, as amended."

5. HOW TO CERTIFY A DOCUMENT TO BE A TRUE COPY

5.1. Verification Process

A copy of a document which must be certified as a true copy of the original must be compared with the original document and it must be made sure that the two documents are, in fact, the same.

5.2. Certification Requirements

If the Commissioner of Oaths is sure that the copy is in fact a true copy of the original document and no amendments have been made, the Commissioner of Oaths must write down or stamp that he/she certifies that the document is a true copy of the original document and that there are no indications that the original document has been altered.

5.3. Certification Wording

A document can be certified to be a true copy by a Commissioner of Oaths by verifying the copy against the original and by affixing the words:



Institute of Commercial
Forensic Practitioners
Recognised. Respected. Regulated.

"I certify that this document is a true copy of the original which was examined by me and that, from my observations, the original has not been altered in any manner."

Or,

"Certified a true copy of the original".

5.4. Stamp and Signature

This stamp must be used in conjunction with your Commissioner of Oaths stamp and your signature.

6. STAMPS

6.1. Obtaining Stamps

If you are a full ICFP member in good standing holding the (FP)SA designation, you may create your own Commissioner of Oaths stamp. Commissioner of Oaths stamps can be purchased at stationery shops but may also be custom made.

You may produce more than one stamp should the need arise, but you are ultimately responsible for the stamp. You may not authorise any other person to use your stamp and should it be used for unintended purposes due to your negligence, you will remain accountable for it.

6.2. Example Stamps

The following are examples of what your stamp should resemble:

Basic Commissioner of Oaths Stamp:

Ex officio COMMISSIONER OF OATHS (RSA)

(Name)

COMMERCIAL FORENSIC PRACTITIONER (FP)SA

(ICFP Member number)

(Full Business Address)



Institute of Commercial
Forensic Practitioners

Recognised. Respected. Regulated.

(Contact Details)



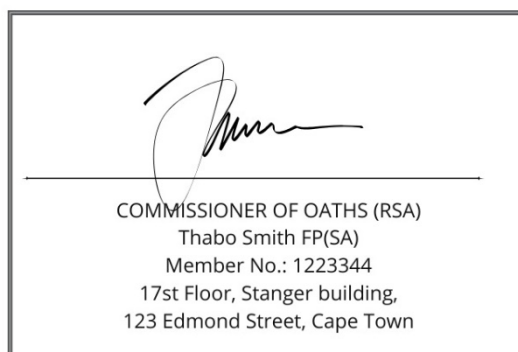
Institute of Commercial
Forensic Practitioners

Recognised. Respected. Regulated.

Oath Stamp

I certify that the (DEPONENT) has acknowledged that he/she knows and understands the contents of this affidavit, that he/she does not have any objection to taking the prescribed oath or affirmation, and that he/she considers it to be binding on his/her conscience, and which was sworn to, or affirmed, and signed before me at _____ on this the ____ day of _____ 20__, and that the administering of the oath or affirmation complied with the regulations contained in Government Gazette No. R1258 of 21 July 1972, as amended.

Designation Stamp



Certification Stamp

"I certify that this document is a true copy of the original which was examined by me and that, from my observations, the original has not been altered in any manner.



SIGNATURE

Commissioner of Oaths - Thabo Smith
Designation: Commercial Forensic
Practitioner: 1223344
Date: _____

17st Floor, Stanger Building,
123 Edmond Street, Cape Town



Institute of Commercial
Forensic Practitioners
Recognised. Respected. Regulated.

6.3. Administration of an Oath or Affirmation Stamp

I certify that the DEPONENT has acknowledged that he/she knows and understands the contents of this affidavit/statement, he/she does not have any objection to taking the prescribed oath or affirmation, and that he/she considers it to be binding on his/her conscience and which was sworn to and signed before me at _____ on this the _____ day of _____ 20__, and that the administering of the oath/affirmation complied with the regulations contained in Government Gazette No. R1258 of 21 July 1972, as amended.

Signature

Full Names

COMMISSIONER OF OATHS

Designation: Commercial Forensic Practitioner (FP)SA

ICFP Membership number: _____

Ex officio

Date: _____

Place: _____

Business Address: _____

(Physical address not postal address)

4.4 Certification of Documents Stamp

Certified a true copy of the original document

OR



Institute of Commercial
Forensic Practitioners
Recognised. Respected. Regulated.

I certify that this document is a true copy of the original which was examined by me and that, from my observations, the original has not been altered in any manner.

Signature

Full names and surname

COMMISSIONER OF OATHS

Designation: Commercial Forensic Practitioner (FP)SA

ICFP Membership number: _____

Ex officio

Date: _____

Place: _____

Business Address: _____

(Physical address not postal address)

7. LEGAL IMPLICATIONS

7.1. Invalid Affidavits

If an oath or affirmation is not taken correctly as prescribed, and the matter goes to court, the affidavit may be declared invalid and may have serious consequences, which, for example, may lead to the inadmissibility of the affidavit in legal proceedings.

7.2. Willing Participation Required

If the Commissioner of Oaths becomes aware that the person making a statement was unwilling to take an oath, he or she should not administer an oath. A Commissioner of Oaths must be impartial and independent and should not administer an oath if the deponent is unwilling or forced, as this may result in the inadmissibility of affidavits and related convictions.



7.3. False Statements

It is a criminal offence to make any statement in an affidavit, affirmation or solemn (attested) declaration, knowing that such statement is false, where the document is sworn to, affirmed or declared before a person lawfully authorised to administer oaths or take declarations.

7.4. Technical Compliance

Failure by a Commissioner of Oaths to sign, print their full name and address, or state their designation and jurisdiction can lead to affidavits being declared invalid unless there is evidence of substantial compliance. (See *S v Munn*, *Mtembu v R*, *R v Sopete*, and *Breidenhann*.)

7.5. Document Certification Liability

If copies of documents are not certified correctly as true copies of the original, the Commissioner of Oaths who certified the document may face criminal charges such as fraud or be put in a situation where they have to give evidence pertaining to forged documents. (see *S v Munn* 1973 3 SA 734 (NC), *Mtembu v R* 1940 NPD 7, and *R v Sopete* 1950 3 SA 769 (E))

7.6. Perjury

Any person who, in an affidavit, affirmation or solemn or attested declaration made before a person competent to administer an oath or affirmation or take the declaration in question, has made a false statement knowing it to be false, shall be guilty of an offence and liable upon conviction to the penalties prescribed by law for the offence of perjury.



7.7. Warning on Independence

In terms of case law, a Commissioner of Oaths who attests an affidavit, is required to be impartial, unbiased and entirely independent. The interest need not be a pecuniary or proprietary one. The rigour with which courts enforce the necessity for independence of a Commissioner of Oaths should serve as a warning to Commissioners of Oaths who administer the oath lightly, or do not necessarily seriously consider the implications of attesting an affidavit.

See a summary of case law:

Case name	Key Principle
Radue Weir Holdings Ltd v Galleus Investments CC, (see <i>Radue Weir Holdings v Galleus Investments 1998(3) SA 677(E).</i>)	A Commissioner of Oaths must be impartial, unbiased, and independent.
Royal Hotel, Dundee v Liquor Licensing Board, (see <i>Royal Hotel, Dundee, and Others v Liquor Licensing Board, Area No 26; Durnacol Recreation Club v Liquor Licensing Board Area, No 26 1966 (2) SA 661 (N) ("Royal Hotel") at 670E – G)</i>	The commissioner must have no interest in the matter to maintain impartiality.

8. KEY REMINDERS

- Maintain your (FP)SA membership in good standing with ICFP to retain the Commissioner of Oaths status.
- Never charge a fee for Commissioner of Oaths services
- Never attest to documents in which you have a perceived or actual interest
- Ensure complete independence and impartiality
- Follow all prescribed procedures carefully



Institute of Commercial
Forensic Practitioners
Recognised. Respected. Regulated.

- Keep your stamp secure and do not allow others to use it
- Always verify the identity and willingness of deponents
- Ensure all technical requirements are met to avoid invalidation of documents

9. Stamps service provider

RubberStampSA, our approved service provider, has partnered with the ICFP to assist members in obtaining the required Commissioner of Oaths stamps. Templates have already been set up to make the process quick and easy. You are, however, welcome to use any service provider.

If requested, provide RubberStampSA with your current membership certificate or membership letter, which can be downloaded from your MyMembership profile. Audits will be performed regularly to ensure compliance with the Act.

The discount is exclusively applicable to Commercial Forensic Practitioners in good standing, meaning only ICFP members can use this code.

The discount is 20%, bringing the total price to R1,117.60.

Please note that there will be a price increase effective 1 November (the first in over two years). However, the 20% discount will still apply to the updated price.

You can access the Commissioner Set here:

[!\[\]\(2ff238be5d86662d1213fe4dadd67c96_img.jpg\) Standard Commissioner of Oaths Rubber Stamp Set](#)

Once on the page:

Customise your stamp (you'll see a live preview as you edit).

Add it to your basket.

Enter and apply the coupon code **RSD-ZXXCFP2025XX** at checkout — the 20% discount will automatically be applied.

This guidance note is issued by the Institute of Commercial Forensic Practitioners (ICFP) for the notice and implementation by members who hold the (FP)SA designation.