



# False Oaths (Scotland) Act 1933

1933 CHAPTER 20 23 and 24 Geo 5

An Act to consolidate and simplify the law of Scotland relating to false oaths, declarations, and statements. [28th June 1933]

## 1 False statements on oath.

If any person being required or authorised by law to make any statement on oath for any purpose, and being lawfully sworn wilfully makes a statement which is material for that purpose and which he knows to be false or does not believe to be true, he shall be guilty of a crime and offence and shall be liable on conviction thereof to penal servitude for a term not exceeding five years or to imprisonment . . . <sup>F1</sup> for a term not exceeding two years or to a fine or to both such penal servitude or imprisonment and fine.

### Textual Amendments

F1 Words omitted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\), s. 221\(2\)](#)

### Modifications etc. (not altering text)

C1 [S. 1](#) extended by [European Communities Act 1972 \(c. 68\), s. 11\(1\)](#)

C2 Reference to penal servitude to be construed as reference to imprisonment: [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\), s. 221\(1\)](#)

## 2 False statutory declarations and other false statements without oath.

If any person knowingly and wilfully makes (otherwise than on oath) a statement false in a material particular, and the statement is made—

- (a) in a statutory declaration; or
- (b) in an abstract, account, balance sheet, book, certificate, declaration, entry, estimate, inventory, notice, report, return or other document, which he is authorised or required to make, attest, or verify by, under, or in pursuance of any public general Act of Parliament for the time being in force; or

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- (c) in any oral declaration or oral answer which he is authorised or required to make by, under, or in pursuance of any public general Act of Parliament for the time being in force, [<sup>F2</sup>or
- (d) in any declaration not falling within paragraph (a), (b) or (c) above, which he is required to make by an order under section 2 of the <sup>M1</sup>Evidence (Proceedings in Other Jurisdictions) Act 1975,]

he shall be guilty of a crime and offence and shall be liable on conviction thereof to imprisonment <sup>F3</sup> . . . for any term not exceeding two years, or to a fine, or to both such imprisonment and fine.

#### Textual Amendments

- F2** Words inserted by [Evidence \(Proceedings in Other Jurisdictions\) Act 1975 \(c. 34\), Sch. 1](#)
- F3** Words repealed by [Criminal Justice \(Scotland\) Act 1949 \(c. 94\), Sch. 12](#)

#### Modifications etc. (not altering text)

- C3** S. 2 extended by [Criminal Justice \(Scotland\) Act 1949 \(c. 94\), s. 42\(1\)](#)

#### Marginal Citations

- M1** [1975 c. 34.](#)

### 3 False declarations, &c. to obtain registration &c. for carrying on a vocation.

If any person—

- (a) procures or attempts to procure himself to be registered on any register or roll kept under or in pursuance of any public general Act of Parliament for the time being in force of persons qualified by law to practise any vocation or calling; or
- (b) procures or attempts to procure a certificate of the registration of any person on any such register or roll as aforesaid,

by wilfully making or producing or causing to be made or produced either verbally or in writing, any declaration, certificate, or representation, which he knows to be false or fraudulent, he shall be guilty of a crime and offence and shall be liable on conviction thereof, to imprisonment for any term not exceeding twelve months, or to a fine, or to both such imprisonment and fine.

### 4 Aiders, abettors, suborners, &c.

- (1) Every person who aids, abets, counsels, procures, or suborns another person to commit an offence against this Act shall be liable to be proceeded against, indicted, tried and punished as if he were a principal offender.
- (2) Every person who incites or attempts to procure or suborn another person to commit an offence against this Act shall be guilty of a crime and offence, and shall be liable on conviction thereof to imprisonment, or to a fine, or to both such imprisonment and fine.

### 5 Venue.

Where an offence against this Act is committed in any place either on sea or land outside the United Kingdom, the offender may be proceeded against, tried, and punished in any place in Scotland where he was apprehended or is in custody as if

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the offence had been committed in that place; and, for all purposes incidental to or consequential on the trial or punishment of the offence, it shall be deemed to have been committed in that place.

## 6 Savings.

- (1) Nothing in the foregoing provisions of this Act shall affect the common law relating to the crime of perjury or to any crime or offence involving falsehood, fraud or wilful imposition, or the liability of any person to be prosecuted for any such crime or offence, provided that no person shall be liable in respect of the same matter to be punished both at common law and under this Act.
- (2) Where the making of a false statement is not only an offence under this Act, but also by virtue of some other Act is a corrupt practice or subjects the offender to any forfeiture or disqualification or to any penalty other than penal servitude, or imprisonment, or fine, the liability of the offender under this Act shall be in addition to and not in substitution for his liability under such other Act.
- (3) Where the making of a false statement is by any other Act, whether passed before or after the commencement of this Act, made punishable on summary conviction, proceedings may be taken either under such other Act or under this Act:  
Provided that, where such an offence is by any Act passed before the commencement of this Act, as originally enacted, made punishable only on summary conviction, it shall remain only so punishable.

## 7 Form of oaths, &c.

- (1) For the purpose of any proceedings at common law for perjury or of any proceedings for a contravention of section one of this Act—
  - (a) the forms and ceremonies used in administering an oath shall be immaterial if the court or person before whom the oath is taken has power to administer an oath for the purpose of verifying the statement in question, and if the oath has been administered in a form and with ceremonies which the person taking the oath has accepted without objection or has declared to be binding on him:
  - (b) an affirmation or declaration made in lieu of an oath . . . <sup>F4</sup> shall be of the like effect in all respects as if it had been made on oath.
- (2) In this Act—

The expression “statutory declaration” means a declaration made by virtue of the <sup>M2</sup>Statutory Declarations Act 1835, or of any Act, Order in Council, rule or regulation applying or extending the provisions thereof.

### Textual Amendments

**F4** Words repealed by [Administration of Justice Act 1977 \(c. 38\), Sch. 5 Pt. III](#)

### Marginal Citations

**M2** [1835 c. 62.](#)

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**Textual Amendments**

**F5** [S. 8, Sch.](#) repealed by [Statute Law Revision Act 1950 \(c. 6\)](#), [Sch. I](#)

**9 Short title.**

This Act may be cited as the False Oaths (Scotland) Act 1933.

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F6F6 SCHEDULE

**Textual Amendments**

**F6** S. 8, Sch. repealed by [Statute Law Revision Act 1950 \(c. 6\)](#), **Sch. I**

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