

THE OATHS ACT
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SCHEDULE

Cap. 264.
Law
43 of 1954.
Acts
8 of 1966,
42 of 1969
3rd Sch.,
6 of 1977,
23 of 1978,
15 of 1983
S. 32,
4 of 1992
S. 26,
25 of 2002
S. 26,
35 of 2002.

THE OATHS ACT

[30th May, 1889.]

1. This Act may be cited as the Oaths Act.

Short title

PART I. *Oaths and Affirmations*

(Substituted by Law 43 of 1954)

2. In this Part the word “officer” means any person duly authorized to administer oaths.

Interpretation.

3.—(1) Any oath may be administered and taken in the form and manner following, that is to say, the person taking the oath shall hold the Bible in his uplifted hand, and shall say or repeat after the officer administering the oath the words—

Manner of administration of oaths

“I swear by Almighty God that.....”
followed by the words of the oath prescribed by law.

(2) The officer shall (unless the person about to take the oath voluntarily objects thereto, or is physically incapable of so taking the oath) administer the oath in the form and manner aforesaid without question:

Provided that, in the case of a person who is neither a Christian nor a Jew, the oath shall be administered in any manner which is now lawful.

4. Where an oath has been duly administered and taken, the fact that the person to whom the same was administered had, at the time of taking such oath, no religious belief, shall not for any purpose affect the validity of such oath.

Want of religious belief not to affect oath

8. The oath in this Part referred to as the official oath shall be in the form following, that is to say—

Form of
official
oath

“I, _____, do swear that I will well and truly serve the people of Jamaica in the office of _____ — So help me God”.

35 2002
S 3

9. The oath in this Part referred to as the judicial oath shall be in the form following, that is to say—

Form of
judicial
oath

“I, _____, do swear that I will be faithful and bear true allegiance to Jamaica, that I will uphold and defend the Constitution of Jamaica and that I will administer justice to all persons alike in accordance with the laws and usages of Jamaica without fear or favour, affection or ill will— So help me God”.

35 2002
S 4

10. The oath in this Part referred to as the oath of the Privy Councillor shall be in the form following, that is to say—

Form of
oath of
Privy
Councillor

“I, _____, being chosen and admitted of Her Majesty’s Privy Council in Jamaica, do swear that I will, to the best of my judgment, at all times when thereto required, freely give my counsel and advice to the Governor-General (or any other person for the time being lawfully performing the functions of that office); and that I will not directly or indirectly reveal such matters as shall be debated in Council and committed to my secrecy, but that I will in all things be a true and faithful Councillor—So help me God”.

11. The oath of allegiance and official oath shall be tendered to and taken by each of the officers named in the First Part of the Schedule as soon as may be after his acceptance of office by the officer, and in the manner in that behalf mentioned in the First Part of that Schedule.

Provision as
to officers
named in
First Part of
Schedule

OATHS

12. The oath of allegiance and judicial oath shall be taken by each of the officers named in the Second Part of the said Schedule, as soon as may be after his acceptance of office and before his entering upon the duties thereof, and such oaths shall be tendered and taken in manner in the said Second Part indicated.

Provision as to officers named in Second Part of Schedule 8:1966 S. 4

13. The oath of allegiance and the oath of a Privy Councillor shall be taken by each Privy Councillor as soon as may be after he shall have been chosen and admitted of the Privy Council, and such oaths shall be tendered by the Clerk of the Privy Council and taken at a meeting of the Privy Council of Jamaica.

Oath of Privy Councillor

14. The form of the oath of allegiance provided by this Act shall be deemed to be substituted for the form of the oath of allegiance and supremacy, and for the forms of the oaths of allegiance, supremacy, and abjuration, heretofore taken.

Form of oath of allegiance substituted for the oaths heretofore made.

15. No person shall be required to take the oaths of allegiance, supremacy, and abjuration, or any of such oaths, or to make any declaration to the like effect of such oaths, or any of them, except the persons required to take the oath of allegiance by this Act.

Persons required to take oaths.

Miscellaneous Provisions as to Oaths

16. Where, in any oath under this Part, the name of her present Majesty is expressed, the name of the Sovereign of Jamaica for the time being shall be substituted from time to time.

Substitution of Sovereign's name for the time being 8/1966 S. 6.

17. Any person who has been, or shall be appointed a Justice of the Peace by any commission, and has taken and subscribed, or shall take and subscribe, the oaths prescribed by section 12, shall not be obliged again to take and subscribe the same oaths for or by reason of his having

Justice of Peace need not take oath more than once during the same reign.

been or being again appointed a Justice of the Peace by any subsequent commission which shall have been or shall be granted during the reign of the same Sovereign, and shall not incur any penalty or forfeiture for the not taking or subscribing the said oaths on such reappointment.

18. Whenever an oath is required to be taken under this Part, every person for the time being by law permitted to make a solemn affirmation or declaration instead of taking an oath may, instead of taking such oath, make a solemn affirmation in the form of the oath hereby appointed, substituting the words "solemnly, sincerely, and truly declare and affirm", for the word "swear", and omitting the words "So help me God".

Affirmation
or declara-
tion instead
of oath.

PART III. *Unlawful Oaths*

19. Every person who shall, in any manner or form whatsoever, administer, or cause to be administered, or be aiding or assisting at the administering of, any oaths or engagement purporting or intending to bind the person taking the same to commit any treason, arson, or murder, shall on conviction thereof by due course of law, be liable to imprisonment for life.

Oath bind-
ing to com-
mit treason,
arson or
murder.

42/1969
3rd Sch.

20. Every person who shall, in any manner or form whatsoever, administer, or cause to be administered, or be aiding or assisting at, or present at and consenting to the administering or taking of, any oath or engagement, purporting or intended to bind the person taking the same to engage in any mutinous or seditious purpose, or to disturb the public peace, or to be of any association, society, or confederacy formed for any such purpose, or to obey the orders or commands of any committee or body of men not lawfully constituted, or of any leader or commander, or other person not having authority of law for that purpose, or not to inform or give evidence against any associate, confederate, or other person, or not to reveal or discover

Oath bind-
ing to
engage in
sedition, etc.

any unlawful combination or confederacy, or not to reveal or discover any illegal act done or to be done, or any illegal oath or engagement which may have been administered or tendered to or taken by any such person, or to or by any such other person, or the import of any such oath or engagement; and every person who shall take any such oath or engagement, not being compelled thereto, shall, on conviction thereof by due course of law, be liable to imprisonment for a term not exceeding seven years.

42/1969
3rd Sch.

Compulsion
not to
justify
unless
information
given.

21. Compulsion shall not justify or excuse any person taking such oath or engagement unless he or she shall, within fourteen days after the taking thereof, if not prevented by actual force or sickness, and then within fourteen days after the hindrance produced by such force or sickness shall cease, declare the same together with the whole of what he or she shall know touching the same, and the person or persons by whom and in whose presence, and when and where such oath or engagement was administered or taken, by information on oath before any Justice, or in case the person taking such oath or engagement shall be in actual service in Her Majesty's Forces within the meaning of the Defence Act, then by such information on oath as aforesaid, or by information to his Commanding Officer.

8/1966
S. 8.

Aiders and
abettors.

22. Any person aiding and assisting at the administering of any such oath or engagement as aforesaid, and any person causing any such oath or engagement to be administered, though not present at the administering thereof shall be deemed a principal offender, and shall be tried as such, although the person or persons who actually administered such oath or engagement, if any such there shall be, shall not have been tried or convicted.

42/1969
3rd Sch.

Indictment
for offence
against Act.

23. It shall not be necessary in any indictment against any person administering, or causing to be administered

or taken, or taking, any such oath or engagement as aforesaid, or aiding or assisting at, or present and consenting to the administering or taking thereof, to set forth the words of such oath or engagement, and it shall be sufficient to set forth the purport of such oath or engagement, or some material part thereof.

24. Any engagement or obligation whatsoever in the nature of an oath, purporting or intending to bind the person taking the same to commit any treason, arson, or murder shall be deemed an oath within the intent and meaning of this Act, in whatever form or manner the same shall be administered or taken, and whether the same shall be actually administered by any person or persons to any other person or persons, or taken by any other person or persons, without any administration thereof by any other person or persons.

What to be
deemed an
oath.

25. Any person who shall be tried and acquitted, or convicted, of any offence against this Part, shall not be liable to be indicted, prosecuted, or tried again for the same offence or fact as high treason, or misprision of high treason, and nothing in this Part contained shall be construed to extend to prohibit any person guilty of any offence against this Part from being tried for the same as high treason, or misprision of high treason, in such manner as if this Part had not been enacted.

Persons
tried under
this Part.
8 1966
S. 9.

OATHS

SCHEDULE

8/1966
S. 10.

First Part

(Section 11)

23/1978
S. 33.

Attorney-General
Auditor-General

15/1983
S. 32.
4/1992
S. 26.

Contractor-General
Member of the Police
Public Complaints
Authority

Before the Governor-General.

25/2002
S. 26.
35/2002
S. 5.

Political Ombudsman
Public Defender

Second Part

(Section 12)

Judge of the Supreme
Court

Before the Governor-General.

Judge of the Court of
Appeal

6/1977
S. 2.

Judge of the Family
Court

Judge of the Traffic
Court

Before the Governor-General or
before such person as the Governor-
General may appoint.

Resident Magistrate

Justice of the Peace

Before such person as the Governor-
General may appoint.