

**LAWS OF THE GILBERT ISLANDS
REVISED EDITION 1977**

CHAPTER 65

OATHS

ARRANGEMENT OF SECTIONS

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SCHEDULE

An Ordinance to make provision for the taking of oaths, and for matters relating and incidental thereto

Commencement: 31st January 1964

3 of 1964
10 of 1967
3 of 1968
2 of 1969
9 of 1971
L.N. 15/71
(Cap. 6 of 1973)
13 of 1974
15 of 1974
26 of 1977

1. This Ordinance may be cited as the Oaths Ordinance. Short title
2. In this Ordinance, unless the context otherwise requires— Interpretation
 "commissioner for oaths" means a commissioner for oaths appointed under section 12;
 "judicial oath" means an oath in the form set out in section 5;

- Cap. 52 "justice of the peace" means a person appointed as such under the Magistrates' Courts Ordinance;
- "oath of allegiance" means an oath in the form set out in section 3;
- "oath to preserve Government confidences" means an oath in the form set out in section 4.
- Oath of allegiance 3. The oath of allegiance shall be in the following form, that is to say—
- "I, _____, do swear that I will be faithful and bear true allegiance to Her Majesty QUEEN ELIZABETH THE SECOND, Her Heirs and Successors according to law. So help me God!"
- Oath to preserve Government confidences 4. The oath to preserve Government confidences shall be in the following form, that is to say—
- "I, _____, do swear that I will at all times use my best endeavours to preserve as required by law the secrecy of all information, documents and other articles to which I shall have access as _____ and generally as a public officer. So help me God!"
- Judicial oath 5. The judicial oath shall be in the following form, that is to say—
- "I, _____, do swear that I will well and truly serve Our Sovereign Lady QUEEN ELIZABETH THE SECOND as a judicial officer, and will do right to all manner of people after the laws and usages of the Gilbert Islands, without fear or favour, affection or illwill. So help me God!"
- Oath to be taken by certain officers 6. (1) Where he is satisfied that it is in the public interest to do so the Governor may require any officer to take and subscribe the oath to preserve Government confidences before him or any person authorised to administer oaths.
- (2) Subject as hereinafter provided, the oath of allegiance and the judicial oath shall be taken and subscribed by each of the officers named in, or whose names may hereafter be added to, the Schedule as soon as may be after his acceptance of office, in the case of a judge before the Governor, or in open court before the Chief Justice or another of the judges of the High Court, and in the case of any other judicial officer before the Governor or a judge or some other person for the time being authorised by law to administer oaths.
- Schedule (3) The Governor may from time to time by order amend the Schedule.

7. (1) The Clerk to the Council of Ministers shall take the oath of allegiance and an oath of secrecy at the opening of the first meeting of the Council of Ministers which he attends after his acceptance of office.

Clerk to the Council of Ministers to take certain oaths

(2) Both such oaths shall be taken and subscribed before the Governor or the member of the Council of Ministers presiding at such meeting.

(3) The oath of secrecy referred to in subsection (1) shall be in the following form, that is to say—

“I, _____, being appointed to be Clerk to the Council of Ministers, swear that I will not directly or indirectly reveal such matters as shall be debated in Council and committed to my secrecy.”

(4) If any person shall once have duly taken the oaths or made the affirmation in this section prescribed for the Clerk to the Council of Ministers, such person shall not, if re-appointed to perform the duties of Clerk to the Council of Ministers within a space of 1 year from the time of his taking such oaths, or of his making such affirmations as aforesaid, be required a second time to take such oaths or to make such affirmations of the Council of Ministers.

8. No person shall be required in respect of the same appointment to the same office to take any oath, required to be taken by any person appointed to that office, more times than one.

Unnecessary repetition of oaths

9. Nothing herein contained shall render, or be deemed to render or to have rendered, invalid any act done or which hereafter may be done by any person in the execution or intended execution of his official duties by reason only of the omission by such person to take any oath or make any affirmation which such person should take or have taken or should make or have made:

Consequence of omission to take oath

Provided that, if any person declines, neglects or omits, where any oath or affirmation required to be taken or made by him under this Ordinance is duly tendered, to take such oath or make such affirmation, he shall, if he shall have already entered on his office vacate the same, and if he shall not have already entered on his office, be disqualified from entering the same.

10. (1) When any oath is required to be taken under the provisions of this Ordinance, any person upon objecting to being sworn and stating as the ground of such objection either that he has no religious belief or that the taking of an oath is contrary to his religious belief shall be permitted to make a solemn affirmation or declaration instead of taking such oath and shall make and

Provisions applicable to certain special cases and for certain persons to affirm

subscribe a solemn affirmation in the form of the oath appointed but substituting the words "solemnly, sincerely and truly declare and affirm" for the word "swear" and omitting the words "So help me God!".

(2) If any person to whom an oath is administered desires to swear with uplifted hand in the form and manner in which an oath is usually administered in Scotland he shall be permitted so to do and the oath shall be administered to him in such form and manner without further question.

(3) Where an oath or affirmation has been duly administered and taken the fact that the person making such oath or affirmation had at the time of the making thereof no religious belief shall not for any purpose affect the validity of such oath.

Authority for
judicial
officers to
administer
oaths

11. (1) Any judge, magistrate and justice of the peace may administer any lawful oath or take any affidavit, affirmation or declaration which may be required to be taken or made for the purpose of complying with the requirements of this Ordinance, and which is not expressly required to be administered by any other person, or in relation to any matter or proceedings before him in the exercise of any jurisdiction or powers conferred upon him by any law for the time being in force.

(2) The Registrar of the High Court and any clerk of a magistrates' court, acting under the directions of the judicial officer for the time being presiding over any such court, may administer any lawful oath or take any affidavit, affirmation or declaration which may be required to be taken in relation to any matter or proceedings before the court to which he is appointed as such Registrar or clerk, as the case may be.

Commissioners
for oaths

12. (1) The Chief Justice may from time to time, by commission under his hand and the seal of the High Court, appoint persons being practising solicitors or other fit and proper persons to be commissioners for oaths, and may revoke any such appointment.

(2) A commissioner for oaths may, by virtue of his commission, administer any oath or take any affidavit for the purposes of any court or matter in the Gilbert Islands, including matters relating to the registration of any instrument in the Islands, and take any bail or recognisance in or for the purpose of any civil proceeding in the High Court or any magistrates' court:

Provided that a commissioner for oaths shall not exercise any of the powers conferred by this section in any proceeding in which he is solicitor to any of the parties to the proceeding, or clerk to any such solicitor, or in which he is interested.

(3) Any oath or affidavit required for the purpose of any court or matter in the Islands, or for the registration of any instrument in the Islands, may be taken or made in any place out of the Islands before any person having authority to administer an oath in that place, and in the case of a person having such authority, otherwise than by the law of any country which is not part of the British Commonwealth, judicial and official notice shall be taken of his seal or signature affixed, impressed or subscribed to or on any such oath or affidavit.

(4) Every commissioner for oaths before whom any oath or affidavit is taken or made under this section shall state truly in the jurat or attestation at what place and on what date the oath or affidavit is taken or made.

(5) The provisions of section 6 of the Commissioners for Oaths Act 1889 shall apply in the Islands as if they were fully set out in this section and references to the United Kingdom shall be construed as references to the Islands. ^{1889 c. 10}

(6) In this section—

“affidavit” includes affirmation, statutory or other declaration, acknowledgement, examination, and attestation or protestation of honour;

“oath” includes affirmation and declaration; and

“swear” includes affirm, declare and protest.

13. Any of the persons mentioned in section 11 (1) and any commissioner for oaths may take any declaration made in the Gilbert Islands in accordance with the provisions of the Statutory Declarations Act 1835. ^{Persons authorised to take certain statutory declarations 1835 c. 62}

SCHEDULE

(Section 6)

Judges

Commissioners of the High Court

Magistrates

Justices of the peace