

CHAPTER 24

OFFICIAL OATHS

AN ACT TO PROVIDE FOR THE TAKING OF OATHS BY CERTAIN PERSONS AND FOR MATTERS INCIDENTAL THERETO AND CONNECTED THEREWITH

2 of 1978
LN 48 of 1979

[7th July 1978]

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

Short title

2. (1) In this Act, unless the context otherwise requires, "oath of allegiance", "the judicial oath", "the oath of office" and "the oath of secrecy" means respectively the oath prescribed in Part A, Part B, Part C or Part D of the First Schedule.

Interpretation

(2) In this Act, a reference to a judge of the High Court includes a reference to the Chief Justice.

3. Before entering upon the functions of his office, a person appointed to hold or act in the office of a judge of the High Court or the Court of Appeal shall take and subscribe before the Governor-General —

Judge of the
High Court or
Court of Appeal

- (a) the oath of allegiance; and
- (b) the judicial oath.

4. (1) This section applies to the office of member of the Committee on the Prerogative of Mercy, the Electoral Commission, the Judicial and Legal Service Commission, the Law Reform Commission, the Police and Prisons Service Commission or the Public Service Commission.

Members of
certain
Commissions
established by
the Constitution
etc

(2) Before entering upon the functions of his office, a person appointed to hold or act in an office to which this section applies shall take and subscribe before the Governor-General or the Chief Justice —

- (a) the oath of allegiance; and
- (b) the oath of office.

5. (1) This section applies to a public office specified in Part A of the Second Schedule.

Offices specified
in Part A of the
Second Schedule

(2) Before entering upon the functions of his office, a person appointed to hold or act in a public office to which this section

applies shall take and subscribe before the Governor-General or the Chief Justice —

- (a) the oath of allegiance; and
- (b) the oath of office.

Offices specified in Part B of the Second Schedule

6. (1) This section applies to a public office specified in Part B of the Second Schedule.

(2) Before entering upon the functions of his office, a person appointed to hold or act in an office to which this section applies shall take and subscribe before a judge of the High Court or the Court of Appeal —

- (a) the oath of allegiance; and
- (b) the judicial oath.

Clerk to the Legislature

7. Before entering upon the functions of his office, the Clerk to the Legislature shall take and subscribe before the Speaker or the Deputy Speaker of Parliament —

- (a) the oath of allegiance; and
- (b) the oath of office.

Oath of secrecy

8. (1) The Secretary to the Cabinet shall take and subscribe before the Prime Minister or the Chief Justice the oath of secrecy.

(2) Any person summoned, pursuant to section 36 (6) of the Constitution by the person presiding in the Cabinet to a meeting of the Cabinet shall, if required by the person so presiding to do so, take and subscribe before the Secretary to the Cabinet the oath of secrecy.

Affirmation

9. Any person who is required by this Act to take and subscribe an oath may, if he wishes, make and subscribe an affirmation instead, and in any such case, to enable him to do so, the form of the oath concerned shall be varied by substituting "solemnly affirm" for "swear" and by omitting "So help me God".

Consequences of omission to take oath

10. The failure of a person to take and subscribe an oath which he is required by this Act to take and subscribe before entering upon the functions of his office does not render invalid any function exercised or performed by him in purported execution of that office, but a person who refuses or neglects to take and subscribe any such oath shall vacate the office or, if he has not

entered upon the functions of the office, shall be disqualified from doing so.

11. Where any person who has taken and subscribed the oath of allegiance before entering upon the functions of his office is appointed to another office and, but for this section, would be required to take and subscribe the oath of allegiance before entering upon the functions of that other office, he shall not be required to so take and subscribe the oath of allegiance unless the Governor-General requires him to do so.

Repetition of oath of allegiance

12. The Governor-General may, by order, amend Part A or Part B of the Second Schedule.

Amendment of Second Schedule

FIRST SCHEDULE

OATHS

PART A

"I,....., do swear [or solemnly affirm] that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Her Heirs and Successors, according to law, [So help me God]

PART B

I,....., do swear [or solemnly affirm] that I will well and truly serve Her Majesty Queen Elizabeth II, Her Heirs and Successors, in the office of and will do right to all manner of people after the laws and usages of Solomon Islands, without fear or favour, affection or ill will. [So help me God]

PART C

I,....., do swear [or solemnly affirm] that I will well and truly serve Her Majesty Queen Elizabeth II, Her Heirs and Successors, in the office of [So help me God]

PART D

I,....., do swear [or solemnly affirm] that I will not directly or indirectly, except as may be required in the discharge of my duties or with the authority of the Cabinet, reveal the business or proceedings of the Cabinet. [So help me God]

LN 48/1979

SECOND SCHEDULE
STATUTORY POSTS

PART A

Attorney-General
Auditor-General
Commissioner of Police
Comptroller of Customs and Excise
Commissioner of Labour
Commissioner of Lands
Director of Public Prosecutions
Ombudsman
Permanent Secretary
Public Solicitor
Secretary to the Cabinet.
Special Secretary to the Prime Minister

PART B

Commissioner of the High Court
Magistrate
Justice of the Peace
Adjudication Officer under the Land and Titles Act

Cap 133

(No Subsidiary Legislation)