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CHAPTER 60**OATHS**

An Act relating to oaths in judicial and other proceedings and to prescribe the mode in which such oaths may be administered.

*10 of 1912
40 of 1964
5 of 1987
10 of 1912
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[Commencement 22nd May, 1912]

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

Short title.

2. (1) An oath may be administered and taken in the form and manner following: The person taking the oath shall stand and shall hold the New Testament or in the case of a Jew the Old Testament in his uplifted right hand and shall say or repeat after the person administering the oath the words “I swear by Almighty God that” followed by the words of the oath prescribed by law.

Manner of administering oaths.

(2) The person having authority to administer the oath 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.

3. Any person to whom an oath is administered may, if he so desires, swear with uplifted hand. The person swearing in this manner shall swear standing and holding up his right hand and shall repeat the words of the oath after the officer administering it. The oath shall commence “I swear by Almighty God as I shall answer to God at the great day of judgment,” and shall proceed with the words of the oath or the substance thereof as prescribed by law, but omitting any further words of imprecation or calling to witness.

Swearing with uplifted hand.

Declaration
when permitted.

4. Where any person is required or called upon, either by any rule of the common law or by any Act to take an oath, if he objects from alleged conscientious reasons to take it, or if he is ignorant of the nature of an oath, or if it is objected that he is incompetent to take it, the judge or any other person having authority to administer the oath may permit him to make a solemn affirmation or declaration in substitution for the oath; and thereupon he shall not be required to use the word “swear” or the words “So help me God,” but shall, in lieu thereof, solemnly, sincerely and truly affirm and declare the truth of that which he would otherwise have to swear to, or, as the case may be, that he will do and act as required by the oath for which the affirmation or declaration is substituted.

Declaration and
oath taken with
uplifted hand to
be followed by
same results as
oath taken in
ordinary form.

5. (1) In all cases in which an oath is required to be taken by or administered to any person, either by any rule or by any Act, either as a juryman, witness, deponent, party, judge, arbitrator, officer or any other person, either in any civil or criminal proceedings, or on any occasion whatsoever a solemn affirmation or declaration may be made by the persons and in the manner by section 4 of this Act detailed in lieu of the oath, or the oath may be taken in the manner mentioned in sections 2 and 3 of this Act; and the same consequences and results shall in every respect follow and take place from the making of the affirmation or declaration or the taking of the oaths in the manner mentioned in sections 2 to 4 of this Act inclusive, as would follow and take place if the ordinary oath had been taken.

(2) In all cases in which the affirmation or declaration is substituted for the taking of an oath, it shall be the duty of the judge or other person having authority to administer the oath, before allowing the affirmation or declaration to be made, to satisfy himself that the person about to make it understands the consequences and results aforesaid.

Prohibition of
unauthorised
oaths.

6. (1) It shall not be lawful for any justice of the peace, magistrate or coroner to administer or cause or allow to be received any oath, solemn declaration or affidavit touching any matter or thing whereof he has not jurisdiction or cognizance by some rule of the common law or any Act in force at the time.

5 of 1987, Sch.

(2) Nothing herein shall be construed to extend to any oath, solemn declaration, or affidavit before any justice of the peace or magistrate in any matter or thing touching the preservation of the peace, nor to any solemn declaration or affidavit which may be required by any Act by the laws of any other country to give validity to instruments in writing designed to be used out of The Bahamas.

5 of 1987, Sch.

7. Whenever the confirmation of a written instrument is required, or allegation or proof of debts or of the execution of deeds or other matters, it shall be lawful for any other person now by law authorised to administer an oath to take and receive the declaration of any person voluntarily making it before him.

Confirmation of written instruments.

8. Except where otherwise directed, a declaration shall be made in the following form —

Form of declaration.

“I,, do solemnly and sincerely declare that, etc., and I make this solemn declaration conscientiously believing it to be true and by virtue of the provisions of the Oaths Act.”

9. Whenever any declaration shall be made and subscribed by any person in pursuance of the provisions of any Act all and every such fees as would have been due and payable on the taking or making any legal oath, solemn affirmation or affidavit shall be in like manner due and payable upon making and subscribing such declaration.

Fees.

10. If any person permitted by any Act to make a declaration instead of an oath refuses or neglects to make such declaration, he shall be subject to the same penalties and disabilities, if any, as he would have been subject to for refusing or neglecting to take the oath for which the declaration is substituted.

Penalty for neglect or refusal to make declaration.

11. (1) Any person appointed or called upon to exercise duties similar to those of Provost Marshal or returning officer at an election shall before entering upon his duties take the following oath before a magistrate, and every magistrate is hereby empowered to administer the oath:

Oath of Provost Marshal or returning officer.

“I,, do swear that I will discharge my duties at the election now about to take place, fairly and impartially, without favour or affection, malice or hatred, and according to the best of my judgment. So help me God.”