THE OATHS ACT

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

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.

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—

"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.
5. 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.

6.—(1) Every 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 his solemn affirmation, instead of taking an oath, in all places and for all purposes where an oath is or shall be required by law, which affirmation shall be of the same force and effect as if he had taken the oath.

(2) Every such affirmation shall be as follows—

“I, A.B., do solemnly, sincerely and truly, declare and affirm”,

and then proceed with the words of the oath prescribed by law, omitting any words of imprecation or calling to witness.

(3) Every affirmation in writing shall commence “I, of do solemnly and sincerely affirm”, and the form in lieu of jurat shall be “Affirmed at this day of 19 Before me”.

PART II. Promissory Oaths

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

“I, , do swear that I will be faithful and bear true allegiance to Jamaica, that I will uphold and defend the Constitution and the laws of Jamaica and that I will conscientiously and impartially discharge my responsibilities to the people of Jamaica — So help me God”. 

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

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

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

“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”.

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—

“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.

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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.

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.

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.

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.

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.

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
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”.

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.

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

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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.

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.

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.

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.

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.
OATHS

SCHEDULE

First Part

(Section 11)

Before the Governor-General.

Second Part

(Section 12)

Before the Governor-General.

Before such person as the Governor-General may appoint.

Justice of the Peace

Before such person as the Governor-General may appoint.

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