



MONTSERRAT

CHAPTER 2.14

OATHS ACT

Revised Edition
showing the law as at 1 January 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

OATHS ACT

Act 3 of 1911 .. in force 29 March 1911

Amended by Acts: 6 of 1916
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CHAPTER 2.14

OATHS ACT

(Acts 3 of 1911, 6 of 1916 and 24 of 1956)

Commencement

[29 March 1911]

Short title

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

Interpretation

2. In this Act—
“**officer**” means any person duly authorized to administer oaths.

Manner of administration of oath

3. Any oath may be administered and taken in the form and manner following—

The person taking the oath shall hold the New Testament, or, in the case of a Jew, the Old Testament, 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.

When affirmation may be made instead of oath

4. 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; and, if any person making such affirmation shall wilfully, falsely, and corruptly affirm any matter or thing which, if deposed on oath, would have amounted to wilful and corrupt perjury, he shall be liable to prosecution, indictment, sentence and punishment in all respects as if he had committed wilful and corrupt perjury.

Form of affirmation

5. 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.

Validity of oath not affected by absence of religious belief

6. 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.

Form of affirmation in writing

7. 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, 20..... Before me.”

Swearing with uplifted hand

8. 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.

British consular officers

9. (1) In this section—

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

“**oath**” includes affirmation and declaration;

“**sworn**” includes affirmed, declared and protested.

(2) Every British ambassador, envoy, minister, chargé d’affaires, and secretary of embassy or legation exercising his functions in any foreign country, and every British consul-general, consul, vice-consul, pro-consul, consular agent, acting consul-general, acting consul, acting vice-consul and acting consular agent exercising his functions in any foreign place may, in that country or place, administer any oath and take any affidavit, and also do any notarial act, which any notary public can do within Montserrat; and every oath, affidavit, and notarial act administered, sworn, or done by or before any such person shall be as effectual as if duly administered, sworn, or done by or before any lawful authority in any part of Montserrat.

(3) Any document purporting to have affixed, impressed, or subscribed thereon or thereto the seal and signature of any person authorised by this section to administer an oath in testimony of any oath, affidavit, or act being administered, taken or done by or before him, shall be admitted in evidence without proof of the seal or signature being the seal or signature of that person, or of the official character of that person.

(Inserted from Act 6 of 1916)

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