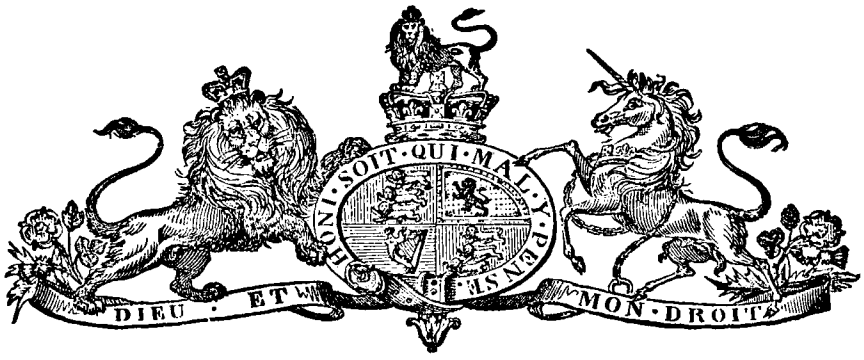


ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. IX.

An Act to allow Affirmations or Declarations to be made instead of Oaths in all Civil and Criminal Proceedings in *Scotland*. [7th *April* 1865.]

WHEREAS Doubts have arisen whether the Provisions of the Eighteenth and Nineteenth of *Victoria*, Chapter Twenty-five, intituled *An Act to allow Affirmations or Declarations to be made instead of Oaths in certain Cases in* Scotland, be applicable to all Courts of Civil Judicature, and to all Civil Proceedings: And whereas the Relief afforded by that Act to Persons refusing or being unwilling from conscientious Motives to be sworn in Courts of Civil Judicature has since been extended to all Courts of Criminal Jurisdiction, and to all Criminal Proceedings, by the Twenty-sixth and Twenty-seventh of *Victoria*, Chapter Eighty-five; and it is desirable to remove such Doubts, and to make the Law as to Affirmations uniform for all Courts and for all Proceedings, whether Civil or Criminal: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

18 & 19 Vict. c. 25.

26 & 27 Vict. c. 85.

1. The said recited Acts shall be and the same are hereby repealed. Recited Acts repealed.

2. If

Affirmations (Scotland).

Power to Persons objecting to be sworn from alleged conscientious Motives to make Affirmation, &c.

2. If any Person called as a Witness in any Court of Civil or Criminal Jurisdiction in *Scotland*, or required or desiring to make an Affidavit or Deposition in the Course of any Proceeding, or in any Matter, whether Civil or Criminal, shall refuse or be unwilling from alleged conscientious Motives to be sworn, it shall be lawful for the Court or Judge, or other presiding Officer or Person qualified to take Affidavits or Depositions, upon being satisfied of the Sincerity of such Objection, to permit such Person, instead of being sworn, to make his or her solemn Affirmation or Declaration in the Words following:

'I *A.B.* do solemnly, sincerely, and truly affirm and declare, That 'the taking of any Oath is, according to my Religious Belief, 'unlawful; and I do also solemnly, sincerely, and truly affirm and 'declare, *&c.*'

Which solemn Affirmation and Declaration shall be of the same Force and Effect as if such Person had taken an Oath in the usual Form.

Persons falsely affirming, &c. to incur Penalties of wilful Perjury.

3. If any Person making such solemn Affirmation or Declaration shall wilfully, falsely, and corruptly affirm or declare any Matter or Thing which, if the same had been sworn in the usual Form, would have amounted to wilful and corrupt Perjury, every such Person so offending shall incur the same Penalties as by the Laws and Statutes of this Kingdom are or may be enacted or provided against Persons convicted of wilful and corrupt Perjury.

Short Title.

4. This Act may be cited for all Purposes as "The Affirmations (*Scotland*) Act, 1865."

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1865.