

ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

****

CAP. LXXII.

An Act to amend the Law relating to Promissory Oaths. [31st *July* 1868.]

WHEREAS it is expedient to amend the Law relating to Promissory Oaths:

Be it 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:

1. This Act may be cited for all Purposes as the "Promissory Oaths Act, 1868." Short Title.

PART 1.

OATHS TO BE CONTINUED.

Oath of Allegiance. Official and Judicial Oaths.

2. The Oath in this Act referred to as the Oath of Allegiance shall be in the Form following; that is to say, Form of Oath of Allegiance.

'I do swear that I will be faithful and 'bear true Allegiance to Her Majesty Queen Victoria, Her 'Heirs and Successors, according to Law. So help me GOD.'

3. The

Form of Official Oath.

3. The Oath in this Act 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 Her 'Majesty Queen Victoria in the Office of . 'So help me GOD.'

Form of Judicial Oath.

4. The Oath in this Act referred to as the Judicial Oath shall be in the Form following; that is to say,

'I do swear that I will well and truly serve 'our Sovereign Lady Queen Victoria in the Office of , 'and I will do Right to all Manner of People after the Laws and 'Usages of this Realm, without Fear or Favour, Affection or 'Illwill. So help me GOD.'

Persons to take the Oath of Allegiance and Official Oath.

5. 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 annexed hereto as soon as may be after his Acceptance of Office by the Officer, and in the Manner in that Behalf mentioned in the said First Part of the said Schedule.

Persons to take the Oath of Allegiance and Judicial Oath.

6. The Oath of Allegiance and Judicial Oath shall be taken by each of the Officers named in the Second Part of the said Schedule hereto as soon as may be after his Acceptance of Office, and such Oaths shall be tendered and taken in manner in which the Oaths required to be taken by such Officer previously to the passing of this Act on entering his Office would have been tendered and taken.

Penalty on not taking required Oath.

7. If any Officer specified in the Schedule hereto declines or neglects, when any Oath required to be taken by him under this Act is duly tendered, to take such Oath, he shall, if he has already entered on his Office, vacate the same, and if he has not entered on the same be disqualified from entering on the same; but no Person shall be compelled, in respect of the same Appointment to the same Office, to take such Oath or make such Affirmation more Times than One.

Form of Oath of Allegiance in this Act substituted for Form in certain other Acts.

8. The Form of the Oath of Allegiance provided by this Act shall be deemed to be substituted in the Case of the Clerical Subscription Act, 1865, for the Form of the Oath of Allegiance and Supremacy therein referred to; in the Case of the Parliamentary Oaths Act, 1866, for the Form of the Oath thereby prescribed to be taken and subscribed by Members of Parliament on taking

taking their Seats; and in the Case of the Office and Oaths Act, 1867, for the Form of the Oaths of Allegiance, Supremacy, and Abjuration therein referred to; and all the Provisions of the said Acts shall apply to the Oath substituted by this Section in the same Manner as if that Form of Oath were actually inserted in each of the said Acts in the Place of the Oath for which it is substituted.

Prohibition of Oath of Allegiance except in accordance with Act.

9. No Person shall be required or authorized to take the Oaths of Allegiance, Supremacy, and Abjuration, or any of such Oaths, or any Oath substituted for such Oaths, or any of them, 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 and the Clerical Subscription Act, 1865, and the Parliamentary Oaths Act, 1866, or One of such Acts, any Act of Parliament, Charter, or Custom to the contrary notwithstanding; and no Person shall be required or authorized to take the Oath of Assurance in *Scotland*.

Miscellaneous Provisions as to Oaths.

The Name of the Sovereign for the Time being to be used in the Oath.

10. Where in any Oath under this Act the Name of Her present Majesty is expressed, the Name of the Sovereign of this Kingdom for the Time being shall be substituted from Time to Time.

Provision in favour of Persons permitted to make Affirmations.

11. When an Oath is required to be taken under this Act, 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 2.

OATHS TO BE ABOLISHED.

Substitution of Declaration for Oaths.

Regulations as to Substitution of Declarations for Oaths.

12. The following Regulations shall be enacted with respect to the Substitution of Declarations for Oaths; (that is to say,)

1. Where before the passing of this Act an Oath was required to be taken by any Person on or as a Condition of accepting any Employment or Office in Her Majesty's Honourable Band of Gentlemen at Arms or Body Guard of Yeomen of the Guard, or in any other Department of Her Majesty's Household, in such Case a Declaration of Fidelity in Office shall be substituted with the Addition (in Cases where it seems

seems meet to Her Majesty by Order in Council to make such Addition) of a Declaration of Secrecy to be observed by the Declarant with respect to Matters coming within his Cognizance by reason of his Employment or Office:

2. Where before the passing of this Act an Oath was required to be taken by any Person on or as a Condition of accepting any Office in or under a Municipal Corporation, or on or as a Condition of Admission to Membership in or Participation in the Privileges of any Municipal Corporation, there shall be substituted for such Oath, in the Case of an Office, a Declaration that the Declarant will faithfully perform the Duties of his Office; and in the Case of Admission to Membership or Participation in the Privileges of a Municipal Corporation, a Declaration that the Declarant will faithfully demean himself as a Member of or Participator in the Privileges of such Corporation:
3. Where before the passing of this Act an Oath was required to be taken on or as a Condition of Admission to Membership or Fellowship or Participation in the Privileges of any Guild, Body Corporate, Society, or Company, a Declaration to the like Effect of such Oath shall be substituted; provided that if any Two or more of the Members of such Guild, Body Corporate, Society, or Company, with the Concurrence of the Majority of the Members present and voting at a Meeting specially summoned for the Purpose, object to any Statement contained in such Declaration on the ground of its relating to Duties which by reason of Change of Circumstances have become obsolete, they may appeal to One of Her Majesty's Principal Secretaries of State to omit such Statement, and the Decision of such Secretary of State shall be final:
4. Where in any Case not otherwise provided for by this Act or included within the Saving Clauses thereof an Oath is required to be taken by any Person on or as a Condition of his accepting any Employment or Office, a Declaration shall be substituted for such Oath to the like Effect in all respects as such Oath:
5. The making a Declaration in pursuance of this Section instead of Oath shall in all respects have the same Effect as the taking the Oath for which such Declaration is substituted would have had if this Act had not passed.

Penalty on not making Declaration required by this Act.

13. If any Person required by this Act to make a Declaration instead of an Oath declines or neglects to make such Declaration, he shall be subject to the same Penalties and Disabilities, if any, as he would

would have been subjected to for declining or neglecting to take the Oath for which the Declaration provided by this Act is substituted.

PART 3.

Saving Clause.

14. Nothing in this Act contained shall affect— Not to affect Matters herein stated.

1. The Clerical Subscription Act, 1865, or the Parliamentary Oaths, 1866, except in relation to the Form of Oath in manner herein-before mentioned:
2. The Oath taken by Privy Councillors of the United Kingdom, or by Privy Councillors of *Ireland*, with the Exception that the Form of the Oath of Allegiance prescribed by this Act shall be substituted for the Oath of Allegiance, Supremacy, and Abjuration now required to be taken by Privy Councillors:
3. The Oath of Homage taken by Archbishops and Bishops in the Presence of Her Majesty:
4. The Oath of canonical Obedience to the Bishop, or the Oath of due Obedience to the Archbishop, taken by Bishops on Consecration, and which Oaths are reserved by the Clerical Subscription Act, 1865:
5. Any Oath taken by Peers, Baronets, or Knights on their Creation, with this Exception, that where the Oaths of Allegiance, Supremacy, or Abjuration, or any Two or One of such Oaths, or any Oath substituted for such Oaths or any of them, are or is required to be taken by such Peers, Baronets, or Knights, there shall be substituted for such Oaths, or any Two or One of them, the Oath of Allegiance prescribed by this Act:
6. Any Oath required to be taken in the Army, the Marines, the Militia, the Yeomanry, or the Volunteers:
7. The Oath taken by Aliens on being naturalized, with this Exception, that the Form of the Oath of Allegiance prescribed by this Act shall be substituted for the Form of the Oath of Allegiance required so to be taken by Aliens previously to the passing of this Act:
8. The Eighteenth Section of the Merchant Shipping Act, 1854, or any Provision to be substituted therefor, whereby certain Persons claiming to be Owners of *British* Ships are required to take the Oath of Allegiance, with this Exception, that the Form of the Oath of Allegiance as prescribed by this Act shall be substituted for the Form of the Oath of Allegiance contained in the said Merchant Shipping Act, 1854:

9. Any Power of substituting a Declaration for an Oath vested in the Commissioners of Her Majesty's Treasury by the Act of the Session of the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Sixty-two:

10. Any Oath required or authorized by Act of Parliament to be taken or made for the Purpose of attesting any Fact or verifying any Account or Document:

11. Any Oath or Declaration taken in Judicial Ratification by Married Women, as the same by the Law and Practice of *Scotland* have been in use to be taken:

12. Any Oath required to be taken by any Juror, Witness, or other Person in pursuance of any Act of Parliament or Custom as preliminary to or in the course of any Civil, Military, Criminal, or other Trial, Inquest, or Proceedings of a Judicial Nature, including any Arbitration, or as preliminary to or in the course of any Proceedings before a Committee of either House of Parliament, or before any Commissioner or other special Tribunal appointed by the Crown.

Saving of Powers of Alteration hitherto exercised.

15. Where a Declaration has been substituted for an Oath under this Act, any Person, Guild, Body Corporate, or Society which before the passing of this Act had Power to alter such Oath, or to substitute another Oath in its Place, may exercise a like Power with regard to such Declaration.

General Saving as to Matters herein stated.

16. Where previously to the passing of this Act the taking of any Oath formed a Condition precedent or subsequent to the Attainment by any Person of any Office, Privilege, Exemption, or other Benefit, and such Person is by this Act prevented from fulfilling such Condition, he shall nevertheless, on complying with the other Conditions, if any, attached to the Attainment of such Office, Privilege, Exemption, or other Benefit, be entitled thereto in the same Manner as if the Condition relating to such Oath, and any Directions as to the Certificate or Registration of the taking of such Oath, or otherwise, had been fulfilled and performed.

SCHEDULE.

FIRST PART.

ENGLAND.	
First Lord of the Treasury. Chancellor of the Exchequer. Lord Chancellor. President of the Council. Lord Privy Seal. Secretaries of State. First Lord of the Admiralty. Chief Commissioner of Works and Public Buildings. President of the Board of Trade. President of the Poor Law Board. Lord Steward. Lord Chamberlain. Earl Marshal. Master of the Horse. Commander-in-Chief. Chancellor of the Duchy of Lancaster. Paymaster General. Postmaster General.	The Oath as to England is to be tendered by the Clerk of the Council, and taken in Presence of Her Majesty in Council, or otherwise as Her Majesty shall direct.
SCOTLAND.	
The Lord Keeper of the Great Seal. The Lord Keeper of the Privy Seal. The Lord Clerk Register. The Lord Advocate. The Lord Justice Clerk.	The Oath as to Scotland is to be tendered by the Lord President of the Court of Session at a Sitting of the Court.
IRELAND.	
Lord Lieutenant. Lord Chancellor. Commander of the Forces. Chief Secretary for Ireland.	The Oath as to Ireland is to be tendered by the Clerk of the Council, and taken at a Meeting of the Privy Council in Ireland.

SECOND PART.

ENGLAND.

The Lord Chancellor of Great Britain.
The Lord Chief Justice.
The Master of the Rolls.
The Chief Justice of the Common Pleas.
The Chief Baron of the Exchequer.
The Lord Justices of the Court of Appeal in Chancery.
The Vice Chancellors.
The Puisne Justices of the Queen's Bench.
The Puisne Justices of the Common Pleas.
The Puisne Barons of the Exchequer.
The Judge of the Admiralty Court.
The Recorder of London.
The Judge of the Probate Court.
Justices of the Peace for Counties and Boroughs.

SCOTLAND.

The Lord Justice-General and President of the Court of Session in Scotland, the Lord Justice-Clerk of Scotland, the Judges of the Court of Session in Scotland, Sheriffs of Counties, and Justices of the Peace for Counties and Burghs.

IRELAND.

The Lord Chancellor of Ireland.
The Lord Chief Justice.
The Master of the Rolls.
The Chief Justice of the Common Pleas.
The Chief Baron of the Exchequer.
The Lord Justice of the Court of Appeal in Chancery.
The Vice Chancellor.
The Puisne Justices of the Queen's Bench.
The Puisne Justices of the Common Pleas.
The Puisne Barons of the Exchequer.
The Judge of the Probate Court.
The Judges of the Landed Estates Court.
The Judge of the Admiralty Court.
The Judges of the Court of Bankruptcy and Insolvency.
The Recorder of Dublin.
Justices of the Peace for Counties and Boroughs.

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