

9.1.18

TRINIDAD AND TOBAGO.

No. 32.—1917.

[L.S.]



I ASSENT,

J. R. CHANCELLOR,
Governor.

17th December, 1917.

AN ORDINANCE to deal with the administration
of Oaths.

[17th December, 1917.]

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the Oaths Ordinance, 1917. Short Title.

2.—(1.) All Courts and persons now or hereafter having by law or consent of parties authority to receive evidence are empowered to administer by themselves, or, in the case of a Court, by an officer authorized by the Court in that behalf, oaths in discharge of the duties or in exercise of the powers conferred upon them respectively by law. Power to administer Oaths.

(2.) An officer of a Court who in fact administers an oath shall, *primâ facie*, be deemed, for all purposes, to have been duly authorised to administer the oath.



Form of oath.

3. An oath may be administered to a person in such form and with such ceremonies as he declares to be binding, and every such person may, in case of wilful false swearing, be convicted of the crime of perjury.

General manner of administration of oaths.

4.—(1.) 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.

(2.) The person administering 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.

Swearing with uplifted hand.

5.—(1.) If any person to whom an oath is administered desires to swear with uplifted hand, he shall be permitted to do so; and in such case such person shall himself repeat the words of the oath, which shall be as follows: "I, A.B., swear by Almighty God"; then proceeding with the remaining words of the oath, but omitting the words "So help me God."

(2.) Both the person administering and the person taking the oath in this form shall stand while it is administered.

(3.) A person sworn in this manner shall not be required to kiss any Testament or other book or to take it into his hand.

When affirmation may be made instead of oath.

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. 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.

7. 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. Oath not invalidated by absence of religious belief.

8. Every such affirmation shall commence as follows:— Form of oral affirmation.
“I, A.B., do solemnly, sincerely and truly declare and affirm,” and then proceed with the words of the oath, omitting any words of imprecation or calling to witness.

9. Every affirmation in writing shall commence “I, Form of affirmation in writing.
of , do solemnly affirm,” and the form in lieu of jurat shall be “affirmed at this day of , 191 , before me.”

10. Subject to the express provisions of this Ordinance, an oath may be administered and taken in the manner and with the ceremonies heretofore customary. Oath may be taken in customary manner.

11. In every cause or matter, civil or criminal, in any Court in the Colony in which owing to the inability of any party or witness properly to understand the English language, the services of an Interpreter are employed, he shall be sworn in respect of each such cause or matter. Swearing of Interpreters.

12. Sections 61 and 62 of the Criminal Procedure Ordinance (No. 13), Sections 1 to 6 (both inclusive) and Section 16 of the Oaths Ordinance (No. 291) and the Oaths Ordinance, 1912, are hereby repealed. Repeal.

Passed in Council this Seventh day of December in the year of Our Lord one thousand nine hundred and seventeen.

HARRY L. KNAGGS,
Clerk of the Council.